

ROANOKE CITY COUNCIL REGULAR SESSION

FEBRUARY 22, 2005 2:00 P.M.

CITY COUNCIL CHAMBER AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will not be televised live. The meeting will be replayed on Channel 3 on Thursday, February 24, 2005, at 7:00 p.m., and Saturday, February 26, 2005, at 4:00 p.m. (Closed captioning will not be available.)

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853–2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853–2541, OR ACCESS THE CITY'S HOMEPAGE AT <u>WWW.ROANOKEVA.GOV</u>, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Resolution memorializing the late Irvin Cannaday, Jr.

Proclamation declaring the month of March 2005 as DeMolay Month.

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of Council held on Monday, January 3, 2005, and recessed until Thursday, January 13, 2005.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

C-2 Minutes of meetings of the Audit Committee held on Thursday, October 7, 2004, and Monday, December 20, 2004; and the Greater Roanoke Transit Company Audit Committee held on Monday, December 20, 2004.

RECOMMENDED ACTION: Receive and file.

C-3 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

C-4 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

C-5 A communication from the General Registrar with regard to using DRE (Direct Recording Electronic) voting machines for In Person voting in the Central Absentee Precinct to be implemented at the Primary Election in June 2005.

RECOMMENDED ACTION: Receive and file.

C-6 A communication from Althea L. Pilkington tendering her resignation as a member of the Roanoke Neighborhood Advocates.

RECOMMENDED ACTION: Accept resignation and receive and file

communication.

C-7 A communication from Robert B. Manetta tendering his resignation as a member of the Architectural Review Board.

RECOMMENDED ACTION: Accept resignation and receive and file

communication.

C-8 Qualification of the following persons:

Maureen P. Castern as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2007;

Bryan Grimes Creasy as a member of the Fair Housing Board, for a term ending March 31, 2007;

Fredrick M. Williams as a member of the City Planning Commission, for a term ending December 31, 2008; and

Brian J. Wishneff as a City representative to Virginia's First Regional Industrial Facility Authority, and as a member of the New River Valley Commerce Park Participation Committee.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

- 4. PUBLIC HEARINGS: NONE.
- 5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

- 1. Acceptance of Heavy and Tactical Rescue Team Grant funds, in the amount of \$42,857.00, from the Virginia Department of Fire Programs.
- 2. Adoption and implementation of a Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities.
- 3. Adoption of a resolution endorsing the First Street Bridge Improvement Project.
- 4. Adoption of a resolution abolishing the Transportation Safety Commission.
- 5. Approval of amendments to the 2004-2005 and 2002-2003 Annual Updates to the Consolidated Plan.
- 6. Appropriation of Virginia Department of Transportation Six-Year Improvement Program project funds; and execution of agreements with applicable Federal and State agencies.
- 7. Execution of a Subgrant Agreement with the Blue Ridge Housing Development Corporation, Inc., in connection with the 2005 World Changers Project.
- 8. Transfer of funds in connection with the cost of additional chemicals to be used for snow removal.

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.
- 8. UNFINISHED BUSINESS: NONE.
- 9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Irvin (Earl) Cannaday, Jr., a Roanoke native and former Assistant Principal at Woodrow Wilson Middle School.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Cannady on Monday, February 7, 2005;

WHEREAS, Mr. Cannady was a native and life-long resident of Roanoke;

WHEREAS, Mr. Cannady was educated at Harrison Elementary and graduated from Addison High School;

WHEREAS, before college, Mr. Cannady was a machinist and laborer for Norfolk Western Railroad;

WHEREAS, Mr. Cannady received a B.A. from West Virginia State College and an M.A. from Columbia University, and studied at the University of Virginia, Virginia State University, Randolph Macon and Radford University;

WHEREAS, Mr. Cannady was a World War II veteran, serving in the 25th Infantry of the 93rd Blue Helmet Division, and was honorably discharged as first sergeant;

WHEREAS, Mr. Cannady began his teaching and coaching career at Carver High School in Salem, Virginia, where he started the first football team, coached football for 18 years and basketball for 20 years, and led his teams to win many district titles;

WHEREAS, Mr. Cannady coached and taught at his alma mater, Addison High School for 14 years, and left coaching and teaching in 1970 to be the Assistant Principal at Woodrow Wilson Middle School, a position in which he remained until his retirement;

WHEREAS, Mr. Cannady received many awards during his 45 years as an educator, including five school annual yearbook dedications, Outstanding Secondary Educator's Award for nine consecutive years, top producer for the YMCA membership drive, the key to the City of Roanoke for meritorious service, and Father of the Year for Roanoke Valley in 1978 for Youth Leadership;

WHEREAS, Mr. Cannady was named Father of the Year at First Baptist Church in 1996

where he was a lifetime member and former Trustee;

WHEREAS, Mr. Cannady directed former Congressman M. Caldwell Butler's Summer

Intern Selection Committee, and received many honors including Anchor of Hope High Street

Baptist Church Volunteer Award, The Martin Luther King Humanitarian Award, and NAACP

Lifetime Achievement Award; and was inducted into West Virginia State College Coaches Hall

of Fame for his outstanding coaching career;

WHEREAS, Mr. Cannady retired as an educator in 1995 after 45 years of dedicated

service, and loved working with children, always referring to them as "Blessings from God," and

tried to make every child feel special.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest

regret and sorrow at the passing of Irvin (Earl) Cannaday, Jr., and extends to his family its

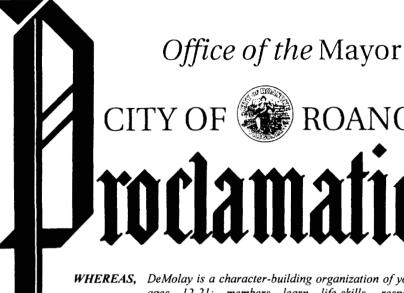
sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to

Mr. Cannady's widow, Rheba Cannady, of Roanoke, Virginia.

ATTEST:

City Clerk



WHEREAS, DeMolay is a character-building organization of young men from ages 12-21; members learn life-skills, responsibility and cooperation by working together to plan and carry out a customized program of social, sports and community service activities to prepare themselves to become better citizens and better leaders for tomorrow; and

WHEREAS, DeMolay helps to develop traits of character building in all ages:

WHEREAS, since 1919, DeMolay has encouraged more than one million young men to become leaders of character; and

WHEREAS, the Roanoke Valley Chapter of DeMolay is the Commonwealth of Virginia's largest and fastest growing chapter, and will observe the 86th Anniversary of DeMolay in the year 2005.

NOW, THEREFORE, I, C. Nelson Harris, Mayor of the City of Roanoke, Virginia, encourage all citizens to salute the young men of DeMolay, to express appreciation for the outstanding example they set, and to acknowledge their many contributions to the community and, do hereby proclaim March 2005, throughout this great All-America City, as

DeMOLAY MONTH.

Given under our hands and the Seal of the City of Roanoke this twenty-second day of February in the year two thousand and five.

ATTEST:

Mary F. Parker City Clerk



C. Nelson Harris Mayor

ROANOKE CITY COUNCIL

January 3, 2005

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, January 3, 2005, at 9:00 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

ABSENT: Council Member Brian J. Wishneff-----1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES:	: Council Members McDaniel, Cutler, Fitzpatrick, Lea, and M	layor
Harris		5
NAYS	· None	<u>0</u>

(Council Member Wishneff was absent and Council Member Dowe was not present when the vote was recorded.)

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the mid-year performance of three Council-Appointed Officers, pursuant to §2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Lea, Fitzpatrick, and Mayor Harris------5.

NAYS: None-----0.

(Council Member Wishneff was absent and Council Member Dowe was not present when the vote was recorded.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request to convene in Closed Meeting as above described. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Lea, Fitzpatrick, and Mayor Harris ------5.

NAYS: None-----0.

(Council Member Wishneff was absent and Council Member Dowe was not present when the vote was recorded.)

ITEMS LISTED ON THE 2:00 P.M., COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION, AND ADDITIONS/DELETIONS TO 2:00 P.M., AGENDA: NONE.

TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:

Council Committee Assignments:

COUNCIL-COMMITTEES-PARKS AND PLAYGROUNDS-ROANOKE ARTS COMMISSION-HOUSING/AUTHORITY-RAIL WALK-RADIO/TELEVISION- SCHOOLS-SISTER CITIES- HOTEL ROANOKE CONFERENCE CENTER-AIRPORT-GREENWAYS:

Roanoke Arts Commission:

Council Member Cutler advised that the Roanoke Arts Commission is pleased with the recent action taken by Council to adopt a policy with regard to procurement of art from the City Art Show. He inquired about the status of the contract for the Public Arts Plan.

The City Manager responded that the contract was awarded to the firm that was recommended by the Roanoke Arts Commission; the Chair of the Arts Commission is of the impression that Council authorized a full time employee to staff the activity; however, the City Manager advised that that was not her understanding of the Council's position, therefore, a member of the City's Communications staff was assigned to work with the Arts Commission on the Public Arts Plan. She advised that the Chair of the Arts Commission has asked to review the credentials of the staff person, however, the City Manager stated that it is her position that the staff assignment will be made by the City Manager. She noted that the contract has been approved and the City is ready to proceed with the Public Arts Plan.

Mill Mountain Zoo:

Council Member Cutler inquired about the status of parking at Mill Mountain Zoo; whereupon, the City Manager advised that a meeting was held to discuss various options and a plan is proposed that would add a sufficient number of parking spaces. She stated that the Executive Director of the Mill Mountain Zoo reports that the challenge exists with regard to daily parking for visitors to the Zoo and special event parking can be addressed by using shuttle buses; and the Executive Director is of the opinion that between 100 - 150 additional parking spaces are needed. The City Manager advised that the proposed plan would include the area that is currently blocked off, it would require trucks to come in through the rear entrance in order to provide "soft parking", and it would also require employees to park in the rear area, thereby allowing current employee parking at the entrance to the Zoo to be used for visitor parking. She stated that the proposed plan will be presented to the Board of Directors of the Mill Mountain Zoo and to the Mill Mountain Advisory Committee.

Roanoke Redevelopment and Housing Authority:

Vice-Mayor Fitzpatrick advised that he serves as Council's liaison to the Roanoke Redevelopment and Housing Authority (RRHA). He called attention to discussions regarding the need to reach a consensus on the role of the City of Roanoke and the Redevelopment and Housing Authority with regard to housing; the RRHA has adopted a Memorandum of Understanding; the City Manager has reviewed the City's role in housing as perceived by the City; and the RRHA has been requested to provide its concept as to how the Housing Authority perceives housing in order to determine if a collective plan can be developed.

Rail walk:

Vice-Mayor Fitzpatrick advised that the rail walk is envisioned to be a walkway that takes visitors from Center in the Square on the City Market to the Virginia Museum of Transportation and vice versa; and initial discussions involved the inclusion of artifacts regarding the rail history of the Roanoke Valley; however, no such artifacts were included in the design of the rail walk.

He stated that an effort is underway to connect the railroad element of Roanoke's history with various kinds of railroad artifacts; Norfolk Southern Railway has offered various kinds of railroad artifacts such as equipment and signals, etc., and a flatcar was recently accepted from Norfolk Southern that will become a stage. He added that work continues on the rail walk which will tie in with the Henry Street area; also under consideration is a profile of African-American and Caucasian railroad workers depicting their job functions, along with the various railroad artifacts; Norfolk and Western Railway logos that have been donated to the City will be appropriately displayed and the goal is to extend the rail walk past the Norfolk and Western Shops to Shaffer's Crossing, including an explanation of the function of the yard.

In a discussion of the matter, the City Manager advised of plans to bring the Lick Run Greenway up and across The Hotel Roanoke property and over to the O. Winston Link Museum; and two options have been discussed; i.e.: over the pedestrian bridge at The Hotel Roanoke or across the Second Street Bridge. She stated that the most logical location would be the pedestrian bridge at The Hotel Roanoke.

Roanoke Regional Cable Television Committee:

Council Member Lea reported on his appointment as a member of the Roanoke Regional Cable Television Committee and advised that major issues that have been discussed relate to leases. He stated that he has been pleased with the progress of cable television in the Roanoke Valley.

Schools:

The Mayor advised that he, the City Manager, the Chair of the Roanoke City School Board, and the Acting Superintendent of Schools, continue to hold monthly breakfast meetings to discuss administrative issues and ways that the Council and the School Board may be of mutual assistance.

The Mayor invited Council Members to provide him with any items that they would like to address with the School Board.

He stated that in January 2005, 12 middle school students will visit the City of Roanoke for approximately three weeks from Roanoke's Sister City of Wonju, Korea; and host families have been arranged and students will participate in the International Baccalaureate (IB) Program at William Ruffner Middle School and other extracurricular activities. He advised that during the summer of 2005, the City of Roanoke will send 12 students to Wonju for three weeks as a part of a student exchange program.

The Mayor explained that a committee will explore ways in which to provide similar student exchange programs in conjunction with Roanoke's other Sister Cities; and a future press conference will be held to highlight the

12 Wonju exchange students, to discuss the opportunity for Roanoke's students to visit Korea in the summer of 2005, and to address a student exchange program with Roanoke's other Sister Cities.

The City Manager called attention to two administrative support functions that are currently being explored with the school administration; i.e.: a committee of technology staffs from the City and the School system will submit recommendations regarding future technology needs of the two organizations; the City's Human Resources staff will conduct a review of classified school personnel and the Roanoke City Public Schools will provide a small amount of funds to help defray the cost of staff for the study.

Vice-Mayor Fitzpatrick suggested a review of the feasibility of combining City and School Human Resources functions.

The Mayor noted that there is a hesitancy on the part of the School Board to make major decisions until the new Superintendent of Schools is hired.

Hotel Roanoke Conference Center Commission:

The Mayor advised that he serves as a member of The Hotel Roanoke Conference Center Commission. He stated that Virginia Tech is currently involved in the construction of a small conference center on the campus, The Inn at Virginia Tech, and called attention to a plan involving the sharing of staff of The Hotel Roanoke Conference Center and The Inn at Virginia Tech as a way to guard against the two facilities competing against each other. He added that if Council Members would like more information on the arrangement, he would be pleased to respond.

Roanoke Regional Airport Commission:

The Mayor called attention to discussions with representatives of the Roanoke County Board of Supervisors with regard to establishing regular meetings with the three regional boards that are composed of representatives of the City of Roanoke and Roanoke County; i.e.: Roanoke Valley Resource Authority, Western Virginia Water Authority and the Roanoke Regional Airport Commission.

He stated that a meeting will be held in 2005 with the Western Virginia Water Authority; it has been some time since a meeting was held with representatives of Roanoke City, Roanoke County and the Roanoke Regional Airport Commission, and the Chair advises that the Airport Commission would welcome the opportunity to hold regular meetings with the Members of City Council and the Board of Supervisors. Therefore, he stated that a meeting of Council and the Board of Supervisors with the Roanoke Regional Airport Commission has been scheduled for Monday, March 7, 2005, at 12:00 p.m. Among other things, he advised that the Airport Commission would like to address what would happen if U. S. Air goes out of business.

Dr. Cutler reported on information he received from Federal Aviation Administration (FAA) staff during a recent tour of the airport control tower in which it was stated that the radar equipment at the Roanoke Regional Airport is less than the best. He asked that the matter be discussed with the Airport Commission at the joint meeting; whereupon, the Mayor requested that the item be added to the agenda.

Vice-Mayor Fitzpatrick advised that the Airport Commission has requested approval by the Virginia General Assembly to change the name of Roanoke's regional airport to an international airport. He explained that Roanoke would qualify as an international airport because some international flights are routed through Roanoke, and there could be some future benefits for Roanoke to be known as an international airport, while not changing the regional flavor and continuing to carry the name of Woodrum Field.

The Mayor advised that five persons currently serve on the Roanoke Regional Airport Commission, three from the City of Roanoke and two from Roanoke County; and in order to strengthen the connection between the Roanoke Valley and the New River Valley, he stated that it has been proposed that membership on the Airport Commission be increased by two positions from the New River Valley. He requested that the City Attorney research the founding documents for the Roanoke Regional Airport Commission and advise as to actions that need to be taken to expand membership.

The Mayor reported that he, the City Manager, the Chair of the Roanoke County Board of Supervisors and the County Administrator held regular meetings during the year 2004. He noted that Michael W. Altizer will serve as incoming Chair of the Board of Supervisors and meetings will continue to be held to discuss avenues of joint cooperation between Roanoke City and Roanoke County. He stated that issues regarding Explore Park, convergence of the public library administrations, a joint Fire/EMS facility, and an amphitheater at Explore Park have been discussed.

Dr. Cutler referred to a map showing the Roanoke River Greenway which was prepared by City staff and requested a staff briefing on the feasibility of designating the entire length of the Roanoke River throughout the City of Roanoke as one park, or parkway, or river walk. He stated that the City of Roanoke should take advantage of the Roanoke River as a recreational and conservation opportunity.

The City Manager advised that the briefing is scheduled for the month of February 2005.

The Mayor advised that the General Services Administration (GSA) has made a decision with regard to the relocation of the new Social Security Administration office to a location near the Roanoke Regional Airport and not at the site that was previously offered by the City in downtown Roanoke. He stated that at some point in the future, GSA representatives will brief City representatives on factors that led to the GSA's decision.

The City Manager requested that the Mayor and a Member of Council of the Mayor's choosing attend the meeting with GSA officials, and Congressman Goodlatte, or his representative, has indicated an interest in participating in the meeting.

The City Manager called attention to previous concerns expressed by Council regarding consolidation of State offices which could be a precursor to moving some State offices out of downtown Roanoke. She stated that Delegate William Fralin has discussed the matter with the State Secretary of Administration, and has arranged for her to meet with the Secretary to discuss plans which are currently in the beginning stages.

Council Member McDaniel inquired as to the total number of employees that would be leaving the downtown Roanoke area if the Social Security Administration office moves to another location.

The City Manager responded that the issue involves more than Social Security Administration employees inasmuch as plans for the building include the Department of Rehabilitative Services, the Social Security administration and a third entity. She stated that staff will tally the numbers which will most likely be in the range of 200 employees.

COUNCIL-SCHOOLS:

Items for discussion at the joint meeting of Council and the School Board on Monday, February 7, 2005, at 9:00 a.m.:

Council Member McDaniel requested a report on the Roanoke City Public Schools Education Foundation, Inc., and Council Member Lea advised that he previously submitted a list of questions to the School administration with regard to the Education Foundation.

Ms. McDaniel also requested a briefing on the status of school uniforms.

The Mayor suggested that any additional agenda items be submitted to the City Clerk.

COUNCIL-ARCHITECTURAL REVIEW BOARD:

Items for discussion at the joint meeting of Council and the Architectural Review Board on Monday, February 7, 2005, at 12:00 p.m.:

No agenda items were submitted.

HOUSING/AUTHORITY-HABITAT FOR HUMANITY: Council Member Cutler inquired about applying and implementing City of Roanoke architectural standards to homes constructed by Habitat for Humanity in the Roanoke Valley.

The City Manager responded that Council might wish to schedule a meeting with local Habitat for Humanity representatives to present the City's expectations with regard to future Habitat homes. She stated that at a recent meeting with officials of the State Department of Housing and Community Development officials were surprised and disappointed at the appearance of Habitat for Humanity homes that are being constructed in the City of Roanoke: and State officials presented impressive photographs of attractive Habitat for Humanity homes that have been constructed in other urban areas throughout the State. She added that the City of Roanoke hopes to enlist the assistance of the State Director of Habitat for Humanity with local Habitat officials to encourage a different type of housing design for the Roanoke area. She explained that it would be hoped that Habitat homes would not be constructed in a particular section of the City, because the City is more interested in Habitat homes that are constructed as infill housing in the various neighborhoods; and she expressed a concern with regard to the density with which Habitat houses are constructed in some neighborhoods which is out of keeping with the character of the neighborhoods.

Question was raised as to how Council could be of assistance in addressing the concerns; whereupon, the City Manager called attention to a meeting which is scheduled in the near future with the Executive Director of the Roanoke Redevelopment and Housing Authority and Gregory Feldmann, a member of the Board of Directors of Habitat for Humanity in the Roanoke Valley and a Commissioner of the Roanoke Redevelopment and Housing Authority, to discuss ways in which to move past the impasse that seems to exist with Habitat for Humanity and following the meeting she will be in a better position to respond to the question of Council.

Briefings:

Trolley update:

TROLLEY SYSTEM: David A. Morgan, General Manager, Valley Metro, advised that some time ago, the City Manager requested that the Greater Roanoke Transit Company conduct an analysis on the proposed concept of reinstituting historic trolleys to downtown Roanoke. As a result, he stated that Greater Roanoke Transit Company partnered with the Roanoke Valley/Alleghany Regional Commission and engaged the services of Wilbur Smith and Associates and the LOMARADO Group to conduct a study, the final results of which were submitted to the City in September, 2004. He introduced James H. Graebner, representing the LOMARADO Group.

Mr. Graebner advised that:

 Heritage trolleys currently operate in Memphis, New Orleans, San Francisco, Portland, Seattle, San José, Kenosha, San Pedro, Tucson, Dallas, Lowell, Tampa, Galveston and Little Rock; and the heritage trolley concept is under study in over 20 additional localities.

- Trolleys work because they attract new riders, provide shuttle service, help neighborhoods to develop and spark economic redevelopment.
- Trolley lines in San Francisco generate 19,000 riders per day; and Fisherman's Wharf has been extended, with further extension under study.
- The St. Charles trolley line has existed since 1831 in New Orleans, the River Front line was added, the Canal was reinstated in 2004, expansion is planned and residential property values have increased sharply in expectation of the Canal Line opening.
- Tampa has experienced \$500 million in new development, trolley ridership is 27 per cent over the estimate, and passengers/miles double the bus system.
- Kenosha has experienced \$51 million in new development, the trolley line cost \$5 million, another \$50 million in new development is committed and another trolley line is under study.
- Roanoke's trolley system could operate at Jefferson Street between Norfolk and Salem Avenues, Jefferson Street at Church Avenue, Jefferson Street at Bullitt Avenue, Jefferson Street at Elm Avenue, Jefferson Street at Highland Avenue, Jefferson Street at Albemarle Avenue, Jefferson Street at Walnut Avenue, Jefferson Street between Green Street and Whitmore Avenue and Jefferson Street just south of Reserve Avenue.
- Trolley costs: capital costs \$17 million (includes 30 per cent contingency) and annual operating cost would be in the range of \$137,000.00 \$377,000.00.

Mr. Morgan advised that the next steps include submittal of an application for planning funds to conduct an environmental study and impact on utilities and other infrastructure; once the information is available, the City would file for Federal funds to begin the Federal project, at which time the City would be placed on a project list and the City's ranking on the list will depend upon the level of local support. He added that if the local match, which is typically 50 per cent, is available the City could move to the top of the project list.

Discussion/comments by Council:

• Compliance issues with the Americans with Disabilities Act (ADA).

- How does a trolley operation blend with traffic, vehicles, parking, etc.?
- How do trolleys help neighborhoods to grow?
- The availability of classic street cars.
- The level of acceptance by the community of a trolley system.
- Does a trolley system maintain its appeal after the novelty wears off?
- How does a trolley system affect bus lines?
- What is the reaction of the community to trolley infrastructure, etc?
- Are there communities that have implemented trolley systems that were not successful?

Vice-Mayor Fitzpatrick advised that he initiated the concept of reinstituting a trolley system for downtown Roanoke; and from a preliminary standpoint, the City should consider the trolley as a transit investment that will allow the City of Roanoke to provide a service that will provide another alternative to the transit opportunity if the system is properly connected. He stated that the greatest asset that the City has to offer is Mill Mountain, however, the City has not done enough to promote the importance of Mill Mountain. He added that if, over time, it is discovered that the transit component helps the Central Business District and the downtown area to grow and serves as a connection to the middle of the City, with some ingenuity, insight and funds, the trolley system could be extended to Crystal Spring Park, the incline could be reconstructed allowing the City to have interconnect capability to several types of transit and suddenly there is another way to access Mill Mountain. He stated that there would be a direct return to the City from this kind of investment, and expressed appreciation to Council for considering the pros and cons of a trolley system which could provide the opportunity to view Roanoke in a much different level of notoriety for its transportation options, for the way it understands growth in an independent city and for the investment of tax dollars that will encourage others to invest in the community.

Vice-Mayor Fitzpatrick asked that Council authorize City staff to proceed to the next step and apply for planning grant funds in order to obtain additional information. He also asked that the private sector be brought into the concept to determine if there is an interest in co-sponsoring a future public/private partnership.

The Mayor inquired if there was any objection to the General Manager of the Greater Roanoke Transit Company submitting an application for planning grant funds, to which no objection was expressed by any Member of Council. BUSES: The City Manager requested that the General Manager of Valley Metro report on the progress of the Smart Way bus service between the City of Roanoke and the Town of Blacksburg.

Mr. Morgan advised that for the month of November and the majority of December 2004, 100 passengers per day road the Smart Way bus, and more ridership was generated to and from the Roanoke Regional Airport than was anticipated due in large measure to serving the Virginia Tech Corporate Research Center.

Vice-Mayor Fitzpatrick inquired about the feasibility of providing a closer location for the Smart Way bus to the baggage loading/unloading area at the Roanoke Regional Airport; whereupon, Mr. Morgan expressed concern that if the bus stops too close to the baggage loading/unloading area, its operation could be impeded. He stated that passengers go to the end of the airport terminal, stand inside, and wait for the bus, and passengers have not expressed a concern about the current arrangement.

The Mayor requested that the matter be included on the agenda for the joint meeting of Council, the Roanoke County Board of Supervisors and the Roanoke Regional Airport Commission on Monday, March 7, 2004.

The City Manager reported that two fire-related deaths occurred in the City of Roanoke on January 1 and 3, 2005. She stated that at the 2:00 p.m., Council meeting she would remind citizens of the importance of having properly working smoke detectors in their homes and the importance of checking space heaters and kerosene heaters.

Fire Station No. One Update:

FIRE DEPARTMENT: The City Manager advised that the Fire Station No. 1 project has taken longer than was originally anticipated due to false starts on the location for the fire station and actual design of the station.

Chief James Grigsby reviewed the following history of Fire Station No. 1:

- A Strategic Business Plan for Fire/EMS was adopted by Council on December 27, 2001.
- The Fire/EMS Resource Association and Response Model provides for Fire/EMS response times, as follows:

Fire - 90 per cent/four minutes

EMS/ALS - 90 per cent/eight minutes

EMS/BLS - 90 per cent/12 minutes

A three phase construction and consolidation of Fire/EMS stations:

Phase I: construct a new Station No. 1 - consolidate the present No. 1 (Church Avenue) and No. 3 (6th Street) stations, as well as Fire/EMS Administration (Jefferson Center).

Phase II: construct a new Station No. 3 - consolidate the present No. 5 (12th Street and Loudon Avenue) and No. 9 (24th Street and Melrose Avenue) stations into the new facility, with a potential community center concept.

Phase III: construct a new Station No. 10 - Relocate the residential component currently assigned to the airport station to the new facility.

Phase I construction bonds were purchased in October 2004.

• Franklin Road and Elm Avenue site:

An architectural firm was selected in June 2003 (Spectrum).

The site was acquired in August, 2003.

Pros:

Correctly located

City owned adjacent property

Land cost was lower than budget, although it was recognized that additional funds would be required for site work.

Cons:

Odd shape requiring substantial site work/retaining walls

After drilling, some construction issues for foundation (karst seams between thin rock shelves)
Removal of contaminated top soil and old fuel tanks

Due to shape of the lot, unique building design which required additional circulation space

A 24,000 square foot building was projected.3

- Employee/community group input was received; the basic design was completed in August 2004, final bid documents are anticipated to be ready in early spring 2005, minimum estimated additional resources needed is \$301,740.00, independent cost estimates exceed this amount by at least an additional \$400,000.00, and the project was reduced by \$865,000.00 to meet basic department needs.
- Reasons for the cost increase are: the project was developed in year 2000 dollars and the Building Cost Index has increased 19.6 per cent since 2000; steel prices have doubled since March 2004, and concrete prices have increased by over ten per cent; the site required major excavation and retaining walls, with cost estimates showing an additional \$308,000.00 \$521,000.00 over the original \$600,000.00 budget for the site; technology (fiber optic) was not available at the time of design (an additional \$144,000.00 will be needed for fiber optic components); and site configuration drove the building design, requiring additional square footage for internal circulation space.
- A site plan of the building was reviewed showing Fire/EMS station operations on the first floor, sleeping quarters on the second floor, and Fire/EMS Administration on the third floor.
- An artists rendering of the west and south elevations of the building was reviewed.

The City Manager advised that the project has been studied by staff, it is believed that all items have been removed from the project that can be deleted, and with approximately \$860,000.00 in deductions, at least an additional \$300,000.00 - \$400,000.00 will be needed for the facility, with an independent estimate indicating that even more funds will be necessary; therefore, City staff was hesitant to advertise for bids without alerting Council as to their concerns. She explained that when the fire station project was initially conceived, a revenue stream was identified that would fund debt service; i.e.: a change in Federal law that would allow the City to increase the amount billed to recipients for emergency medical services. She explained that revenue for emergency medical services is coming in at a better pace than was initially anticipated and will continue to grow based upon the escalator clause in the Federal legislation, but funds will be generated later in the sequence, time wise, than staff is comfortable with when bidding the fire station project. Therefore, with the concurrence of Council, the City Manager proposed to temporarily borrow the difference in monies from the Roanoke River Flood Reduction project, which has approximately \$5 million that will not be spent for the next four to five years since the funds were allocated for the greenway component, with the understanding that the funds will be repaid in more than sufficient time for the greenway project from additional revenue generated by the City as a result of emergency medical services billings.

Vice-Mayor Fitzpatrick asked that Council be kept current on the status of the Fire Museum as plans more forward on Fire Station No. 1. The City Manager advised that Council has not made a decision, nor has the City administration offered a recommendation to this point.

Following discussion by Council, the Mayor inquired if the site is of such value that it is worth taking \$865,000.00 worth of deductions from the building. The City Manager responded that government has the luxury of choosing the easiest sites on which to build, but if government builds on all of the clear and easy sites, the private sector will not take on a challenging site, such as the site under consideration for development. She stated that the site clearly met the definition of the fire administration in terms of location; and another location in close proximity was also desired, but the Council indicated that it did not wish to pursue condemnation proceedings in order to acquire the site. She further stated that when the City is limited to only sites that can be made available through friendly negotiation, opportunities for potential sites are then taken away; the proposed location is a gateway to the City and the Council has indicated an interest in controlling what happens at gateways to the City, and constructing a building on the site will control what happens at that location.

The City Manager advised that Council could engage in further discussion with regard to whether or not some of the \$865,000.00 in deductions will genuinely harm the project; her position as City Manager is that the City will live within established budgets; and because of the way that architectural contracts are currently worded, some persons in the profession believe that they have a ten per cent leeway on design costs, and that assumption will be corrected before the next design construction project is awarded by the City. She stated that given the limitations and restrictions, she continues to believe that the proposed site is the best location on which the City should build a fire station, it is a challenging site which involves additional costs, and if Council is concerned about the long term appearance of the building, it is suggested that City staff be permitted to provide Council with more details regarding the impact of the \$865,000.00 in deductions. She stressed the importance of the Fire Administration function being located in the No. 1 Fire Station.

The Mayor advised that the body of the building will exist for the next 50+ years, therefore, he would prefer that additional funds be appropriated that would architecturally enhance the appearance of the building.

The City Manager requested that staff be permitted to present another briefing on exterior design of Fire Station No. 1 to reflect the \$865,000.00 in deductions, and for the purpose of receiving input from the Council with regard to building design.

Vice-Mayor Fitzpatrick asked that schematic drawings be aesthetically comparable with architecture in old southwest.

It was the consensus of Council that the City Manager will present a briefing on Fire Station No. 1 exterior building design to reflect the \$865,000.00 in deductions.

The Mayor declared the Council meeting in recess at 12:05 p.m., to be reconvened in Closed Session at 12:15 p.m., in the Council's Conference Room, Room 452, Noel C. Taylor Municipal Building, to conduct mid year performance evaluations of the Municipal Auditor, Director of Finance and City Clerk.

At 2:00 p.m., on Monday, January 3, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

ABSENT: Council Member Brian J. Wishneff------1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

ENTERPRISE ZONE: A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider amendment application for two Enterprise Zones within the City of Roanoke, was before the body.

The City Manager advised that staff has recently identified a need to amend provisions for the two Enterprise Zones within the City; as part of the amendment for Enterprise Zone One A, the City proposes adding Parkside Plaza, the East End Shops and an area bordering Williamson Road south of Elm Avenue and east of the railroad tracks to Enterprise Zone One A; adding these properties, some of which are in the floodplain, could stimulate additional opportunities for revitalization where buildings are currently vacant or underutilized; in addition, the City would seek modification of the water, sewer and fire connection fee incentive for both Enterprise Zone One A and Enterprise Zone Two; and recent adoption of new fees by the Western Virginia Water Authority to equalize Roanoke City and Roanoke County rates, combined with the possibility of further increases, necessitates a change in the incentive.

In order to submit the applications, at least one public hearing affording citizens or interested parties an opportunity to be heard must be held; therefore, the City Manager recommended that Council authorize the scheduling and advertisement of a public hearing on Tuesday, January 18, 2005.

Mr. Dowe moved that Council concur in the recommendation of the City Manager. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dow Mayor Harris	• •
NAYS: None	0
(Council Member Wishneff was absent.)	

BRIDGES: A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, January 18, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, to consider the use of property rights in connection with the proposed pedestrian bridge at 204 Jefferson Street, Official Tax No. 4010801, was before the body.

Mr. Dowe moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Mayor Harris				
NAYS: None				
NATS. None		 	 	······· U .

(Council Member Wishneff was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HUMAN DEVELOPMENT-DISABLED PERSONS-FIFTH PLANNING DISTRICT COMMISSION: The City Manager submitted a communication advising that the Fifth Planning District Commission Disability Services Board (DSB) is responsible to local governments and serves as a critical resource for needs assessment, information sharing and service opportunities for citizens with disabilities, their families and the community; the following jurisdictions in the Fifth Planning District have enacted resolutions establishing participation in a regional effort and have appointed a local official to serve: the Cities of Roanoke, Salem and Covington; the Counties of Roanoke, Craig, Botetourt and Alleghany and the Towns of Clifton Forge and Vinton; and other members of the DSB include representatives from business and consumers.

It was further advised that Council authorized the Director of Finance to serve as fiscal agent for the Fifth Planning District Disabilities Services Board on September 25, 1995, pursuant to Resolution No. 32675-092595.

The City Manager explained that the State Department of Rehabilitative Services has allocated funds in the amount of \$15,000.00 for a one-year period to provide training at no cost to any blind or vision/print impaired person desiring training in the use of computer based assistive programs; the required cash match from local jurisdictions in the Fifth Planning District is \$1,666.00; and the cash match that has been committed by the City of Roanoke and other jurisdictions is actually \$4,301.00.

The City Manager recommended that Council appropriate \$15,000.00 in State grant funds and \$4,301.00 in local match for the Disability Services Board and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Cutler offered the following budget ordinance:

(#36929-010305) AN ORDINANCE to appropriate funding for the fiscal year 2005 Fifth Planning District Regional Disability Services Board Grant, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 226.)

Mr. Cutler moved the adoption of Ordinance No. 36929-010305. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None------0.

(Council Member Wishneff was absent.)

BUDGET-HUMAN DEVELOPMENT-GRANTS-FDETC: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Marketing Communications Outreach Pilot program funding, thus, Council must appropriate funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer grant programs.

It was further advised that in an effort to increase public awareness of the Virginia Workforce Network (VWN) and One-Stop Centers among employers, the Virginia Workforce Council, through the Virginia Employment Commission, implemented the Marketing Communications Outreach Pilot Program to selected Local Workforce Investment Boards (LWIB); the LWIB must incorporate the VWN logo and identity in all LWIB products and services in an effort to promote VWN brand awareness among program components listed below; and the Western Virginia Workforce Development Board will work to develop its own marketing initiatives and develop targeted marketing tactics to include but not limited to the following:

- Public relations and news media strategies
- Radio and television public service announcements
- An electronic newsletter for business customers
- A workforce summit event including local businesses, economic development, educators, and workforce development professionals

It was explained that critical to the project is the development and deployment of a strategic marketing implementation plan that creates and communicates a favorably branded corporate culture among One-Stop delivery centers, while empowering the Western Virginia Workforce Development Board as the leader in local workforce development.

The City Manager recommended that she be authorized to execute all appropriate documents, upon form approved by the City Attorney, related to acceptance of funding for the Marketing Communications Outreach Pilot Program; and accept Marketing Communications Outreach Pilot funding of

\$10,000.00 for the period October 1, 2004 through June 30, 2005, appropriate funds to accounts to be established in the Grant Fund by the Director of Finance, and establish a corresponding revenue estimate in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36930-010305) AN ORDINANCE to appropriate funding for the Western Virginia Workforce Development Board to administer the Marketing Communications Outreach Pilot program, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 227.)

Mr. Dowe moved the adoption of Ordinance No. 36930-010305. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None------0.

(Council Member Wishneff was absent.)

Mr. Fitzpatrick offered the following resolution:

(#36931-010305) A RESOLUTION authorizing acceptance of a grant award for the Western Virginia Workforce Development Board Marketing Communications Outreach Pilot Program, for the development and deployment of a strategic marketing implementation plan by selected Local Workforce Investment Boards that promotes awareness of the Virginia Workforce Network, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of Resolution, see Resolution Book No. 69, Page 228.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36931-010305. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None------0

(Council Member Wishneff was absent.)

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the City of Roanoke is the grant recipient for Workforce Investment Act (WIA) funding, thus, Council must appropriate funding for all grants and other monies received in order for the Western Virginia Workforce Development Board to administer WIA programs; and the Western Virginia Workforce Development Board administers the Federally funded Workforce Investment Act (WIA) for Area 3, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, and the Cities of Covington, Roanoke, and Salem.

It was further advised that WIA funding is intended for four primary client populations:

- Dislocated workers who have been laid off from employment through no fault of their own;
- Economically disadvantaged individuals as determined by household income guidelines defined by the U. S. Department of Labor;
- Youth who are economically disadvantaged, or have other barriers to becoming successfully employed adults; and
- Businesses in need of employment and job training services.

It was explained that the Western Virginia Workforce Development Board has received a third Notice of Obligation (NOO) from the Virginia Employment Commission allocating an additional \$187,157.00 for the Adult Program, which serves economically disadvantaged persons; \$203,365.00 for the Dislocated Worker Program, which serves persons laid off from employment through no fault of their own; and \$192,069.00 for the Youth Program, which serves economically disadvantaged youth for Program Year 2004 (July 1, 2004 – June 30, 2006); and ten per cent of the aforementioned totals are to be allocated to the administrative function of the Western Virginia Workforce Development Board.

The City Manager recommended that Council accept Western Virginia Workforce Development Board Workforce Investment Act funding of \$582,591.00 for Program Year 2004 and appropriate the funds to accounts previously established in the Grant Fund by the Director of Finance and establish corresponding revenue estimates in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36932-010305) AN ORDINANCE to appropriate funding for the Western Virginia Workforce Development Board Programs, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 228.)

Mr. Dowe moved the adoption of Ordinance No. 36932-010305. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None------0.

(Council Member Wishneff was absent.)

Mr. Dowe offered the following resolution:

(#36933-010305) A RESOLUTION accepting the Western Virginia Workforce Development Board Workforce Investment Act funding of \$582,591.00 and authorizing the City Manager to execute the requisite documents necessary to accept the funding.

(For full text of Resolution, see Resolution Book No. 69, Page 230.)

Mr. Dowe moved the adoption of Resolution No. 36933-010305. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None------0.

(Council Member Wishneff was absent.)

CITY EMPLOYEES: The City Manager submitted a communication advising that military leave at full pay is limited to 15 work days per Federal fiscal year for employees of the City of Roanoke who are military reservists/national guard called to active duty; Council approved Special Military Pay on November 5, 2001, to provide supplemental pay for military reservists/national guard called to active duty and service related to the war on terrorism; special action by Council was effective through September 30, 2004, and benefited 11 City employees called from the reserves/national guard to active duty; these employees received a total of \$52,769.90 in supplemental pay as a result of Council's action; and there are 33 reservists/national guard members in ten departments within the City of Roanoke full time employment.

The City Manager recommended that Council approve a special policy to pay military reservists who are called to active duty between October 1, 2004 and September 30, 2005 the difference between their military base pay (including any other related compensation received from the military) and pay

with the City of Roanoke in their current job; covered employees would be those reservists/national guard members who are called to active duty related to the country's war on terrorism subsequent to the employee's employment with the City of Roanoke; and supplemental pay will be provided upon request and with necessary documentation to the Department of Human Resources.

Mr. Fitzpatrick offered the following resolution:

(#36934-010305) A RESOLUTION authorizing payment of supplementary compensation and restoration of certain benefits to certain employees called to active military duty.

(For full text of Resolution, see Resolution Book No. 69, Page 231.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36934-010305. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None-----0.

(Council Member Wishneff was absent.)

ARCHITECTURAL REVIEW BOARD: The City Manager submitted a communication advising that on May 13, 2004, Council adopted and established a Pay Plan for officers and employees of the City, effective July 1, 2004; the adopted ordinance included a new pay stipend of \$100.00 per month, or \$1,200.00 annually, paid monthly, to members of the Architectural Review Board upon attainment of certification through the Virginia Certified Architectural Review Program; new appointees to the Architectural Review Board would be required to attain certification within one year of the date of appointment; and Council approved compensation based on the certification program being developed by the Commonwealth of Virginia Department of Historic Resources (VDHR) so that Architectural Review Board members would be trained and certified.

It was explained that the Virginia Department of Historic Resources intended to develop a statewide certification program for Architectural Review Board members similar to the City Planning Commission (CPC) and Board of Zoning Appeals (BZA); only certified City Planning Commission and Board of Zoning Appeals members received a monthly stipend during the current fiscal year; the Virginia Certified Architectural Review Program has not been fully developed and may not be until next fiscal year; and the ordinance provides that members of the Architectural Review Board cannot receive the pay stipend until certification through the program has been attained.

The City Manager recommended that Council amend Paragraph 14 of the ordinance regarding the Pay Plan for Officers and Employees of the City of Roanoke - Architectural Review Board (ARB) Stipend, adopted by Council on May 13, 2004, to suspend the certification requirement, until the Virginia Certified Architectural Review Program is established, allowing current Architectural Review Board members to receive the stipend, to commence on January 1, 2005, until the certification program is developed, at which time members will have one year in which to obtain certification or the stipend will cease.

Mr. Fitzpatrick offered the following ordinance:

(#36935-010305) AN ORDINANCE amending Ordinance No. 36693-051304, adopted May 13, 2004, adopting and establishing, among other things, a Pay Plan for officers and employees of the City effective July 1, 2004, by amending Paragraph 14 which provides for a pay stipend for members of the Architectural Review Board upon attainment of certification through the Virginia Certified Architectural Review Program, by suspending the requirement for certification until the Virginia Certified Architectural Review Program is fully developed and made operational by the Virginia Department of Historic Resources (VHDR); and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 232.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36935-010305. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

NAYS: None------0.

(Council Member Wishneff was absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of November 2004.

(For full text, see report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report for the month of November would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUSES: Council Member Cutler reported on the progress of the Smart Way transit bus and advised that 1,616 passenger trips were made between the Roanoke Valley and the Town of Blacksburg from December 1 - 24, 2004, averaging over 100 passengers per day.

ACTS OF ACKNOWLEDGEMENT-LANDMARKS/HIST. PRESERVATION-FIRE DEPARTMENT: Council Member Cutler recognized the City of Roanoke and Hill Studios, recipients of one of the four Gabriella Page Historic Preservation Awards from the Association for the Preservation of Virginia Antiquities, in connection with restoration of the Bell Tower Facade at Fire Station No. 1.

ACTS OF ACKNOWLEDGEMENT-VIRGINIA TECH-SPORTS ACTIVITIES: Vice-Mayor Fitzpatrick commended the Virginia Tech football team who will compete in the Sugar Bowl on January 3, 2005, at the New Orleans Superdome. He called attention to the close connection of the Roanoke Valley to colleges and universities in the region and the importance of understanding the economic impact and the role of the Roanoke Valley in continuing to establish good relationships with such colleges and universities.

ACTS OF ACKNOWLEDGEMENT-SPORTS ACTIVITIES: Council Member Dowe congratulated the Roanoke Dazzle basketball team, the only team in the National Basketball Association Developmental League that has experienced an increase in attendance of approximately between 25 - 30 per cent. He stated that the Roanoke community is to be commended for supporting the Roanoke Dazzle and is encouraged to continue its support of not only the Roanoke Dazzle, but all other sports entities throughout the community.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-TAXES-CITY EMPLOYEES: Mr. Robert Gravely, 727 29th Street, N. W., quoted Bible scripture. He expressed concern with regard to the use of City taxpayers' money to support private businesses and downtown Roanoke businesses, and insufficient wages for City employees.

CITY MANAGER COMMENTS:

REFUSE COLLECTION-STREETS AND ALLEYS: The City Manager advised that the City's neighborhood leaf collection program was completed prior to December 31, 2004, and private contractors who are working on arterial streets will complete leaf collection within the next seven to ten days.

RECYCLING: The City Manager reported that for the month of December 2004, the City of Roanoke once again exceeded the required tonnage to receive free recycling, which saved the citizens of Roanoke \$10,384.00 for the month of December.

FIRE DEPARTMENT: The City Manager called attention to two fire related deaths in the City of Roanoke on January 1 and 3, 2005. She encouraged citizens to check their smoke detectors to ensure that they are in proper working order and advised that City residents may obtain a free smoke detector/batteries at any of the City's fire stations. She also encouraged citizens to take advantage of free chimney inspections and space heater and kerosene heater inspections that will be performed upon request by the Fire Department. She asked that those persons who lost their lives by fire be remembered in prayer.

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that there is a vacancy on the Roanoke Civic Center Commission created by expiration of the term of office of Robert C. Poole, and called for nominations to fill the vacancy.

Mr. Lea placed in nomination the name of Daniel E. Wooldridge.

There being no further nominations, Mr. Wooldridge was appointed as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2007, by the following vote:

FOR MR. WOOLDRIDGE: Council Members McDaniel, Cutler, Dowe, Fitzpatrick, Lea, and Mayor Harris------6.

(Council Member Wishneff was absent.)

At 2:35 p.m., the Mayor declared the Council meeting in recess for one Closed Session.

At 2:50 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Mr. Wishneff, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES:		McDaniel,	•	•	•	•
NAVC.						

(Council Member Wishneff was absent and Vice-Mayor Fitzpatrick was out of the Council Chamber when the vote was recorded.)

At 2:52 p.m., the Council meeting was declared in recess until Thursday, January 13, 2005, at 8:30 a.m., at The Hotel Roanoke and Conference Center, Jefferson Board Room, for the City Council's Planning Retreat.

The January 3, 2005, meeting of Roanoke City Council reconvened on Thursday, January 13, 2005, at 9:00 a.m., in the Jefferson Board Room, The Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, N. W., City of Roanoke, with Mayor C. Nelson Harris presiding.

ABSENT: Council Member Brian J. Wishneff------1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Rolanda B. Russell, Assistant City Manager for Community Development; and George C. Snead, Jr., Assistant City Manager for Operations.

OTHERS PRESENT: Dr. Bruce Blaylock, Professor at Radford University, Facilitator.

The Mayor welcomed Dr. Blaylock who facilitated the Council's last retreat on September 5, 2003. He advised that the goal of the day would be to review the City's Strategic Plan, to make the necessary revisions inasmuch as three new Members of Council were elected since the last retreat, the day's structure would be informal, and encouraged the Members of Council and staff to participate.

The Mayor advised that Council Member Wishneff would not be present for the proceedings; however, he had forwarded to each Member of Council an e-mail containing various suggestions that he would propose for discussion had he been present for the day's activities.

The City Manager advised that while the Council's retreat is an important activity for the Council, it is of equal importance to the overall City organization because the retreat will set the tone and direction for various individual City operations over the next 12 months, City departments have scheduled a follow up meeting as a result of the retreat to talk about

improvements in department operations, much significance is placed by staff on the work that Council does during its retreat, and the entire City organization is interested in Council's direction for the City.

Dr. Blaylock expressed appreciation for the opportunity to work with a Council that has found a way to make strategic planning work and has stated a goal to build on past accomplishments. He reviewed the agenda for the day; i.e.: ground rules, goals, successes from 2004, and Council/City Manager reaffirmation of Vision 2012.

He advised that each Member of Council brings different perspectives to the table and stressed the importance of understanding each other's perspective; and there will be some issues that Council Members are passionate about, therefore, discussion will center around whether those issues should be included in the City's Strategic Plan. He stated that he had no intention of inserting himself into the process since he is not familiar with the business of the City, but reserved the right to ask questions and to probe deeper in an effort to provide clarification.

Dr. Blaylock explained that the day will end with the necessary information to build a strategic plan; therefore, it will be necessary to affirm or reaffirm Council's vision for Roanoke in the year 2012; it will then be necessary to look at objectives attached to each goal in order to affirm, adjust or add new objectives, and then to look at actions that will be required to accomplish the various objectives. He stated that Council will be asked to participate in an exercise to determine who will be responsible for carrying out the various objectives; i.e.: Council, City Manager, or a combination of Council/City Manager, and Council and the City Manager will also participate in an exercise to prioritize the actions.

Council Members participated in an exercise in which they listed the following City accomplishments and successes that occurred in 2004:

Development and adoption of neighborhood plans

Completion of the new zoning ordinance is on schedule

Reconstruction of Patrick Henry High School

Appointment of a committee of citizens to study the future of Victory Stadium

Increase in downtown condominium development and traffic realignment

Additional studies for the downtown market area

Recent improvements to the Civic Center

Discussions regarding the importance of appearances at gateways to the entrances to the City, including I-581, and the assistance of Virginia Department of Transportation officials to make improvements

Implementation of geographic policing to better meet the safety needs of citizens

Development of properties inside the City (Ukrops)

Continued progress on the rail walk development

Commitment to work with the school system

Collaboration with Roanoke County on mutually beneficial projects

Establishment of a safety task force for schools and implementation of some of the recommendations submitted by the task force

Proactive approach to economic development and the contribution of sports to the City's economic development

Creation of the Western Virginia Water Authority

Assumption of responsibility by the Parks and Recreation Department for Carvins Cove

Preparation of a master plan for the Civic Center and Mill Mountain Park by the Department of Parks and Recreation

Regional cooperation in connection with studying issues regarding a regional library system

Moving responsibility for the Real Estate Assessor position to the Department of Finance

Continued good relations with State legislators

Excellent lobbyist representing the City's interests in Richmond

Development of Colonial Green as a "mixed use" project

Full occupancy of Warehouse Row

Participation in the Cradle to Cradle Housing project

Adoption of an Urban Forestry Plan

Working on a Public Arts Plan

Growth by developers in creating high end residential housing

Housing study that is almost complete Improved image of City Council and its function

Receipt of the "Livable Community" Award

Selection as the 11th best community in the United States as a place to live

Promotion and expanded use of the City's new brand

Implementation of the Smart Way Bus system between Roanoke and the New River Valley

Implementation of street calming activities, particularly on Williamson Road

Completion of the Grandin Road improvements project

Passage of a utility cut and restoration policy

Recycling efforts exceeded goals saving the City approximately \$50,000.00

Opening the new Social Services facility on Williamson Road

Naming of the First Street Bridge in honor and memory of the late Dr. Martin Luther King, Jr.

Quality appointments to the School Board and other boards and commissions

Council Member Dowe entered the meeting (11:15 a.m.).

The City Manager reported on the status of relocation of the Social Security Administration office from downtown Roanoke.

The City Manager also reported on the \$500,000.00 that was previously allocated to the City by the Federal government to be used for the First Street Bridge project. Inasmuch as the funds were intended to be used for a vehicular bridge, the City Manager advised that Council made a decision to return the money to the Federal government when it was decided to construct a pedestrian bridge. She explained that the City has been informed by the Federal government that the funds may now be used for a pedestrian bridge and amenities; however, the City will be required to go through a Federal review process which will slow the project down; and unless there is an objection by Council, she would proceed accordingly.

No objection was expressed by any Member of the Council.

There was discussion with regard to Council Member relationships; whereupon, the following observations were made:

Council Members frequently engage in discussions, while being respectful of the opinions of each other.

Council Members have the same goal with regard to many decisions, but they respect the individual perspectives of their colleagues.

With any new Council, there is a "maturation" process accompanied by growing pains. Council's job is to govern, and disharmony has not affected the Council because of a mutual respect for each other.

There is a diverse array of experience represented on the Council and if issues come up that require a certain level of expertise or experience, Council Members can look to their colleagues for guidance.

The 9:00 a.m., Council work sessions have been helpful because the meeting takes place in a less formal setting and a more relaxed environment and provides Council Members with the opportunity to delve into various issues as they deliberate on policy decisions.

Whenever a new Council takes office, there is a learning curve and a trust issue that resolves itself over time.

The first six months for the present Council has been a great beginning in the midst of making certain difficult decisions, and there has been much collegiality and a sense of humor among the Council.

Dr. Blaylock advised that as a new group, there will be some growing pains for the Council; first will be the "storming" stage, then the "norming" stage and then the "performing" stage while each Member of the Council is discovering his or her individual role on the Council.

There was discussion with regard to the method of appointment by Council of persons to serve on authorities, boards, commissions and committees. The following observations were made:

Appointments are limited to the slate of persons who apply for a specific vacancy.

Council conducts interviews of persons who apply for appointments to the School Board, City Planning Commission, Board of Zoning Appeals, Architectural Review Board, Industrial Development Authority, and Roanoke Redevelopment and Housing Authority; however, persons applying for vacancies on other committees do not participate in an interview process.

If a Council Member takes on the assignment of recommending a person to fill a specific vacancy, it is assumed that the Council Member has given serious thought to the appointment and has some knowledge of the person who is recommended to fill the vacancy. Due to the large number of boards and commissions, if Council spends a considerable amount of time on every appointment to every committee the process would virtually come to a halt.

Council does not seem to take advantage of staff expertise or knowledge by inquiring of staff if they know of individuals who would be willing to serve on various committees.

Following discussion of the process for filling vacancies on authorities, boards, commissions and committees, Dr. Blaylock suggested that there be a formalization to improve the process; whereupon, he suggested that Council Member McDaniel, the City Manager, City Attorney and City Clerk serve as members of a subcommittee to review the process for making appointments to the City's boards and commissions.

The City Attorney referred to a previous communication in connection with refining the process for electing Trustees to the Roanoke City School Board which is currently set forth in Chapter 9, Education, Code of the City of Roanoke (1979), as amended, by eliminating certain time frames established in the City Code. He reviewed the procedure set forth in the Code of Virginia for electing School Trustees which requires that Council shall, seven days prior to the appointment of any School Board Trustee, hold one or more public hearings to receive the views of citizens.

Following discussion, it was the consensus of Council that the City Attorney be instructed to prepare the proper measure for consideration by Council at its meeting on Tuesday, January 17, 2005, adopting the procedure set forth in the State Code for electing School Trustees.

Dr. Blaylock opened the floor for discussion with regard to Roanoke Vision 2012 - Principles to Guide the Future. Upon consensus of the Council, the following was approved:

Roanoke Vision 2012 Principles to Guide the Future

We will be recognized for:

- 1. Being the "Capital of Western Virginia" through a healthy economy, supportive local government, quality municipal services and an attractive cultural environment
- 2. Having strong neighborhoods through quality City infrastructure, livable homes
- 3. Having educational excellence in our public schools
- 4. Maintaining a strong City connectivity with universities and colleges in the region
- 5. Protecting the natural beauty and resources of our environment
- 6. Encouraging business, individual investment and retail development in Greater Downtown Roanoke
- 7. Establishing Roanoke as a destination point for entertainment, major events, sports and festivals
- 8. Creating an inclusive environment with a reputation as a community that welcomes and celebrates diversity
- 9. Having ease of travel to, from and within Roanoke via air, rail and highway
- 10. Having a City with strong community pride
- 11. Maintaining a financially sustainable City government with cost effective service delivery
- 12. Maintaining working relationships with other local governments throughout the region including the Roanoke and New River Valleys, the Allegheny Highlands, and Smith Mountain Lake

Council then engaged in a discussion with regard to the City's goals and objectives. Upon consensus of the Council, the following was approved:

GOAL NO. 1: HEALTHY LOCAL ECONOMY

Objectives:

- 1. Support the retention and expansion of local businesses
- 2. Aggressive economic development strategy to attract new businesses
- 3. More unique, distinctive retail opportunities
- 4. Promote development of upper end housing opportunities
- 5. Actively promote and market "Roanoke" our brand
- 6. Diverse local economy: medical, government, tourism, small business
- 7. Recognize the importance of regionalism to a healthy economy

GOAL 2: STRONG NEIGHBORHOODS

Objectives:

- 1. Involving citizens as responsible partners in enhancing quality of neighborhoods and addressing neighborhood problems
- 2. Developing and using realistic, usable neighborhood plans that link to Comprehensive Plan and guide the future of the neighborhood
- 3. Improving property maintenance through prevention and enforcement including removal of blighted/worn-out structures
- 4. Funding significant improvements in specific targeted neighborhoods
- 5. Protecting the integrity of the neighborhood through design/development standards, standards for infill
- 6. Maintaining/improving City infrastructure: traffic calming, streets, streetscapes, trees and greenways

GOAL 3: VIBRANT GREATER DOWNTOWN

Objectives:

- 1. Increasing residential opportunities in downtown area, including attracting support businesses supermarket, drugstore, other retail
- 2. Developing reputation as center for culture and arts
- 3. Protecting quality of downtown development through zoning, development standards, quality infrastructure
- 4. Supporting major projects: education center, riverside center and Henry Street job opportunities, building/infrastructure development
- 5. Expanding entertainment and sports opportunities
- 6. Increase in occupancy of office and institutional space
- 7. Support and enhance unique characteristics of the City Market area

GOAL 4: QUALITY SERVICES: RESPONSIVE COST EFFECTIVE

Objectives:

- 1. Developing and retaining productive, motivated workforce with well-trained, competent and diverse employees
- 2. Maintaining processes of continuous improvement and empower employees to offer ideas and try new approaches
- 3. Investing in and using technology in service delivery
- 4. Having City facilities that tangibly demonstrate our commitment to service excellence
- 5. Customer service valued and demonstrated by our City employees
- 6. Pursue regional cooperation for services

The Council meeting was declared in recess at 12:15 p.m.

The Council meeting reconvened at 1:15 p.m., in the Jefferson Board Room, The Hotel Roanoke and Conference Center, with all Members of the Council in attendance, except Council Member Wishneff.

The afternoon session consisted of a review of the above referenced objectives. The facilitator requested that Council Members and the City Manager form groups of three to review objectives and to recommend actions to accomplish objectives listed under each goal. Council Members were then asked to identify whether the actions should be taken by the Council as a group, or by the City Manager, or by a combination of the Council and the City Manager, or championed by a Member of Council.

Staff was requested to review the actions reported by Council Members/City Manager and identify barriers, if any, to accomplish the various actions.

Following a review of actions listed by Council Members and the City Manager, under the various objectives, the facilitator requested that Council Members and the City Manager individually rank the actions, one through four in order to prioritize those actions that will become the City's priorities for 2005.

(For full text of actions to accomplish objectives listed under Goals Nos. 1 - 4, and a compilation of top and high priority actions for 2005, see summary prepared by the facilitator on file in the City Clerk's Office.)

There was discussion with regard to providing a promotional message about the Roanoke community on televisions in local hotel guest rooms; whereupon, the City Manager advised that she would work with the Executive Director of The Hotel Roanoke and Conference Center with regard to including a welcome message from the Mayor on those televisions in guest rooms at The Hotel Roanoke.

The City Manager advised that City staff will continue to work on the various actions listed by Council. She asked for Council's guidance with regard to ways in which to communicate the results of the retreat to the general public; i.e.: the City Magazine, etc.

The Mayor engaged the Council in a discussion with regard to Council meeting protocol; whereupon, the following was the consensus of Council:

The present time limits for persons speaking at City Council meetings will continue to be enforced: i.e.: one to four speakers will be allotted five minutes each and five or more speakers will be allotted three minutes each. Ten minutes will continue to be allotted to those persons making presentations under Petitions and Communications. The sponsorship of two Members of the Council or the City Manager will be required for any person or organization to address the Council under Petitions and Communications.

Hearing of Citizens will continue to be held following Comments by the Mayor and Members of Council.

Briefings will be scheduled as follows: if one to two Members of the Council request a briefing, the briefing will be conducted informally by the City Manager and not during a formal Council meeting or 9:00 a.m. work session. If more than two Members of the Council request a briefing, the briefing will be scheduled during a regular session or 9:00 a.m. work session of the Council.

The invocation will continue to be delivered by the Mayor and Members of Council on a rotating basis, with the understanding that Council Members will be mindful of ecumenical and sensitive issues relative to various religious beliefs.

On behalf of the Council and City staff, the Mayor expressed appreciation to Dr. Blaylock for facilitating the retreat.

There being no further business, the Mayor declared the Council meeting adjourned at 4:00 p.m.

APPROVED

ATTEST:

Mary F. Parker City Clerk C. Nelson Harris Mayor

MINUTES OF ROANOKE CITY AUDIT COMMITTEE

October 7, 2004

1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 11:10 a.m. on Thursday, October 7, 2004, with Chair, Dr. M. Rupert Cutler, presiding.

The roll was called by Mrs. England

Audit Committee

Members Present: Dr. M. Rupert Cutler, Chair

Vice-Mayor Beverly T. Fitzpatrick, Jr.

Brenda L. McDaniel

Sherman P. Lea (arrived late)

Others Present: Drew Harmon, Municipal Auditor

George C. Snead, Jr., Asst. City Manager for Operations Rolanda B. Russell, Asst. City Manager for Community

Development

Evelyn W. Powers, City Treasurer Jesse Hall, Director of Finance

Ann Shawver, Deputy Director of Finance Timothy Spencer, Assistant City Attorney

Sherman Stovall, Director of Management & Budget

Frank Baratta, Budget Team Leader Mike Tuck, Assistant Municipal Auditor

Pamela Mosdell, Information Systems Auditor

Brian Garber, Senior Auditor Cheryl Ramsey, Auditor

Doris England, Administrative Assistant

2. INTERNAL AUDIT REPORTS:

A. Purchasing Cards

B. Southeast by Design

Dr. Cutler ordered that internal audits A and B be received and filed. There were no objections from the committee. Dr. Cutler recognized Mr. Harmon for comments on the Purchasing Cards audit.

Mr. Harmon reported that the purchasing card program was in its fourth year of implementation and had been audited each year. The process has matured, benefits have been realized, such as reduced paperwork; and this audit was to test for more detail. It was noted that receipts oftentimes did not include notations explaining the business purpose requiring the purchase. Supervisors

need to know what the purchases are for and who is making them. Ms. McDaniel asked if the credit card receipt copy were lost, could the store receipt be used to verify purchase; and Mr. Harmon replied that it could. Ms. McDaniel also asked if a receipt were lost and the employee contacted the store for a copy, was it possible to obtain a receipt copy from a store such as Wal-Mart. Mr. Harmon replied that it was; actually, calls were made to stores such as Wal-Mart and Target and that determination was made during the audit. The stores did not indicate a charge for performing these services.

Dr. Cutler asked Mr. Harmon to introduce the members of the Municipal Auditing Staff, and Mr. Harmon introduced Cheryl Ramsey, Mike Tuck, Pam Mosdell, Brian Garber, and Doris England. Ms. McDaniel commented on how well-written the audit reports were, and she appreciated the ease of understanding and lack of jargon.

Dr. Cutler asked if the consequences of not adhering to the guidelines of use would actually be the loss of the privilege of using the purchasing card. Mr. Harmon replied that it would. Mr. Hall explained that although Finance is the gatekeeper for expending the funds, each department head or designee is responsible for verifying the expenditure before it gets to the Finance Department. He said procurement would provide more training, Finance would scrutinize more, and continue to fine tune the program. Ms. McDaniel asked if the lost privilege would be permanent, and Mr. Harmon replied that had not been addressed.

Mr. Snead said the Finance Department and Purchasing Division had strengthened the policy and procedures as a result of this audit. Beginning next month, there would be quarterly unannounced reviews in the offices to check on documentation, policy and procedures being followed, and responsible people would be held accountable.

Dr. Cutler asked if pay grade determines who gets a purchasing card, and Mr. Hall explained that it was based upon need, such as a Public Works employee needing to buy parts for immediate use. Mr. Harmon explained that there were about 330 cards being used, with three being used at the schools on a trial basis. Ms. McDaniel asked about the maximum amounts set for usage, and Mr. Harmon explained that it was \$2500 per transaction and \$15,000 per month, which could be changed based upon specific, justifiable needs. Mr. Lea commented that there was a similar program at the Department of Corrections, which worked very well, but did require monitoring.

Dr. Cutler asked if there were any more comments or questions on the Purchasing Cards audit. There being none, he asked Mr. Harmon to address the committee regarding the Southeast by Design audit.

Mr. Harmon stated that site visits had been conducted with the Roanoke Redevelopment and Housing Authority (RRHA) and the Blue Ridge Housing Development Corporation (BRHDC) as well as with Management and Budget. The program was found to be administered well, documents were in place, expenses supported, and there were no substantial concerns.

Dr. Cutler asked if the Southeast by Design program had a lifespan, whereby Mr. Snead replied he recalled it as being between 2.4 and 3 years. Mr. Baratta explained that contracts with both RRHA and BRHDC would expire on December 31 with a 30-day grace period. He did not know if all work would be done by the deadline. The funds were committed, six houses had been built, and two were under construction. Dr. Cutler shared that while attending the Virginia Municipal League conference, he, Mr. Dowe and Mr. Snead accepted an award on behalf of the City of Roanoke for the Southeast by Design program. Mr. Snead added that this was one of seven statewide awards, and the city received the award in the category of local government with a population greater than 90,000.

Dr. Cutler asked if there were another project that CDBG funds would be used for. Mr. Baratta replied that Project GOLD - Gainsboro Opportunities Leaveraging Development - would be the next project. Asked what he had learned through Southeast by Design, Mr. Baratta answered he had learned the importance of strong involvement of neighborhood groups.

3. UNFINISHED BUSINESS:

There was no unfinished business to come before the committee.

4. NEW BUSINESS:

There was no new business to come before the committee.

5. OTHER BUSINESS:

A. Audit of Public Accounts Letter

Dr. Cutler read from a letter addressed to the City Treasurer from the Auditor of Public Accounts (APA) in Richmond, VA, stating the APA had reviewed the Commonwealth collections and remittances of the Treasurer and other constitutional officers of the City of Roanoke for the year ended June 30, 2004. The APA found the Treasurer and other constitutional officers complied, in all material respects, with state laws, regulations and other procedures relating to the receipt, disbursement and custody of state funds. Dr. Cutler congratulated City Treasurer, Evelyn Powers, on the receipt of this letter.

B. Auditor Selection Committee

Dr. Cutler recognized Mr. Harmon for comments on the auditor selection committee. Mr. Harmon explained the city was coming to the end of its four-year contract with KPMG, the company which does the annual audit for the city. This contract also includes the schools, GRTC, and the pension/retirement plan. The selection committee typically is made up of representatives from Finance, Retirement, GRTC, Schools, the City Manager's Office, Management & Budget, and the Roanoke City Audit Committee. Meetings will involve organizing and preparing the RFP, reviewing the proposals, and conducting interviews. The interview process usually takes one full day. Dr. Cutler volunteered to represent the Audit Committee on this selection committee. Mr. Harmon said the first meeting would be in late October or the first of November, and he would distribute a copy of the last RFP for each member to review.

Other Discussion:

Dr. Cutler asked Mr. Harmon about plans for monitoring assets valued under \$5,000. Mr. Harmon replied that he was working with Finance to initiate a project to standardize monitoring assets valued at less than \$5,000.

Dr. Cutler asked Mr. Harmon to explain about the conversations taking place regarding consolidation of the city and schools Information Technology function. Mr. Harmon explained that Kathy Stockburger, Chair of the Roanoke City School Board and Mayor Harris had discussed the need to look into this matter. Mr. Harmon also said the City Manager, School Superintendent, the heads of both (IT) departments, and he had met and were discussing this possibility.

Mr. Fitzpatrick also mentioned that the consolidation of central purchasing between the schools and the city could save a great deal of money.

Mr. Fitzpatrick further explained that opening the school libraries to the public could be a benefit in that the school libraries were often better than the branch libraries. Mr. Harmon replied that security could be a barrier to that concept.

Ms. Russell explained that Roanoke County was also involved in the library study and would be contributing to its cost if the Board of Supervisors supports it.

Dr. Cutler asked Mr. Harmon to mention the items that would be included in the next Audit Committee meeting. Mr. Harmon said the December Audit Committee meeting, which will be held on the third Monday in that month, would be a very busy one. It will include audits on Findings Follow-Up, CAD, Police Property Room, Police Fees annual audit, Sheriff Canteen & Inmate Funds

annual audit, Commissioner of Revenue, and possible the HR survey. Also included will be the KPMG annual audit report, and the CAFR for the city will be ready. Dr. Cutler asked if operating units use Municipal Auditing as a resource, and Mr. Harmon replied that they do. Auditing has a category for management consulting and assists departments such as the Department of Technology in its implementation of the Advantage upgrade.

6. ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:55 a.m.

M. Rupert Cutler, Chair

MINUTES OF ROANOKE CITY AUDIT COMMITTEE

December 20, 2004

1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 1:15 p.m. on Monday, December 20, 2004, with Chair, Dr. M. Rupert Cutler, presiding.

The roll was called by Mrs. England

Audit Committee

Members Present: Di

Dr. M. Rupert Cutler, Chair

Vice-Mayor Beverly T. Fitzpatrick, Jr.

Alfred T. Dowe, Jr. Sherman P. Lea Brenda L. McDaniel

Others Present:

Drew Harmon, Municipal Auditor Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

George C. Snead, Jr., Asst. City Manager for Operations Rolanda B. Russell, Asst. City Manager for Community

Development

Ann Shawver, Deputy Director of Finance R. Timothy Conner, Partner, KPMG LLP

Peter J. Ragone, II, Senior Manager, KPMG LLP Major James Brubaker, Sheriff's Department Mike Tuck, Assistant Municipal Auditor

Pamela Mosdell, Information Systems Auditor

Brian Garber, Senior Auditor Cheryl Ramsey, Auditor

Doris England, Administrative Assistant

2. FINANCIAL KPMG AUDIT REPORTS - JUNE 30, 2004

A. Report to the Audit Committee of City Council

- B. Comprehensive Annual Financial Report and Auditor's Opinion
- C. Management Letter
 - Management Response

Dr. Cutler ordered that the KPMG audit reports be received and filed. There were no objections from the committee. Dr. Cutler recognized Mr. Harmon for comments. Mr. Harmon asked Director of Finance, Jesse Hall, and Deputy Director, Ann Shawver, to provide a brief overview of the CAFR.

Mr. Hall explained the financial reports include information required by federal agencies, state agencies, generally accepted accounting guidelines, as well as

reports recommended by the Government Finance Officers Association. Mr. Hall recognized Ann Shawver to give the committee some highlights of the City's financial report.

Ms. Shawver directed the committee's attention to a two-page summary of the City's Comprehensive Annual Financial Report (CAFR). The summary follows the table of contents of the CAFR. She then pointed out the following areas:

- Page 3 Introductory letter
- Page 20 Independent Auditors' Report, which states an unqualified, clean opinion
- Page 23 City's Management Discussion and Analysis, which includes narrative information and analytical data
- Page 35 Statement of Net Assets This statement and the one that follows are the most consolidated and combined statements in the annual report. They answer the question, "Is our financial position better or worse as a whole than it was a year ago?" These statements include both capital assets and debt.
- Pages 36 & 37 This report indicates programs the government provides and the cost of those programs. General revenues are listed in the bottom half of the statement, as well as the change in assets between the beginning of the year and the end of the year. When asked about the water and sewer inclusion on this year's report, Ms. Shawver replied that water and sewer were included in this report because they were still with the City through June 30, 2004. As of July 1, 2004, water and sewer were transferred to the authority; therefore, they will not be on next year's report.
- Page 38 This report shows the general fund by itself, without capital assets and debt information.
- Page 40 This is the Income Statement version using the fund view of these financial statements as opposed to the entity-wide view.
- Page 50 Footnotes These are disclosures that are required to be made, such as #18, which refers to the Western Virginia Water Authority. Other disclosures are accounting policies, deposits and investments, capital assets and changes, long-term liabilities including debt, leases and claims payable, risk management, pension plan, and related entities (such as the Water Authority) the City participates in with other governments.
- Page 106 A total of 14 statistical tables, most representing ten years of data, including key revenues and expenditures.
- Page 116 These are required financial reports relating to the expenditures of federal awards, both for the City and the Schools.
- The last few pages are reports from the auditors.

Ms. Shawver thanked all the members of the Finance Department for their contribution to the CAFR. She also offered to meet with Audit Committee members who would like further review of the document.

Chairman Cutler read the last paragraph of the Management Letter, Comments and Recommendations to the committee. This states, "The City's Finance Department personnel resources are currently stretched to capacity. Given the issues stated above, we recommend the City provide the necessary funds and support for the Finance Department to have sufficient resources available to meet the many challenges ahead." Dr. Cutler said he appreciates and acknowledges that statement, and he thanked Ms. Shawver for the presentation.

Mr. Hall spoke about the City's pension plan, which is a multi-employer pension plan. It includes about 2100 active members, 1550 retirees, and over 300 employees with vested service (those who are not currently drawing a pension but can at some time in the future). The CAFR for the pension plan is similar to the City's CAFR. It includes an introductory section, letter of transmittal, organizational chart, financial section, investment section, actuarial section, and statistical section.

The pension plan increased approximately \$23 million and paid out benefits just over \$18 million. The investment return for the year ended June 30, 2004, was 12.92 percent. Actuarially, the plan anticipates a 7.75 percent return each year. Contributions to the plan were in the amount of \$5.4 million.

Dr. Cutler asked Mr. Hall if he benchmarked the City's pension plan to the pension plans of other localities. Mr. Hall replied affirmatively and said there were 11 localities in the state that meet twice a year for that purpose. He further stated that the City of Roanoke's pension plan was doing well, actually better than most other localities.

Chairman Cutler recognized Mr. Harmon, who asked Mr. Conner to make comments on the Report to the Audit Committee and the Management Letter. Mr. Conner stated that before leaving the City's pension plan, he wanted to inform the committee that an unqualified, clean opinion was issued on the pension CAFR. An unqualified, clean opinion was issued on the City's CAFR, as Ms. Shawver previously mentioned. He also mentioned reports issued that were within the body of the City's CAFR. There were two additional separate reports, one of which was the Report to the Audit Committee. This goes over salient points of communication and conduct of the audit. The second report is the Management Letter that addresses four specific topics. KPMG has received management's response to the Letter and is comfortable with that response.

Dr. Cutler asked if there were any questions from the committee members regarding the Management Letter and the Response to the Management Letter. Mr. Lea said he had a question about the Human Services/Social Services information regarding steps taken to ensure the oversight would not reoccur. He asked if the Human Services Business Administrator position had been created. Ms. Burcham responded that a single position with significant responsibilities had been divided into two positions. As a result, this new

position was created to provide greater assurance of timely submission of the necessary documentation. The new person will begin work with the City on January 10, 2005.

Chairman Cutler asked for a summary of the question as to whether the City lost money or did not lose money because of this issue. Mr. Conner responded that KPMG observed the timeliness of submitting requests for reimbursements, but he was not aware of any reimbursements that would have been allowed that were not made. However, there were subsequent requests for reimbursements being made after the fiscal year end that were audited.

Mr. Harmon also responded that the budget administrator for the Virginia Department of Social Services, Mike Gump, had put his name to an e-mail stating he felt Roanoke did not lose any money overall, did not get any more or any less, because of this. The primary issue, as Mr. Harmon said he saw it, was understanding the reimbursement process and having personnel in place that could have explained the variance from the historically \$200,000 to \$300,000 amount to this year's amount of \$900,000. He said he felt this would not reoccur because things have been done to address the situation. Ms. Burcham said she thought we would continue to see an increase in non-reimbursables unless the state changes the way it funds Social Services. The state in recent years has allowed pass through of federal funds, but has not participated at the same level, so more funding has to be absorbed locally.

Dr. Cutler proceeded to another topic in the Management Letter, which involved the decision to move Social Services to the Civic Mall. He stated it was the auditors' observation that the detailed buy, build, or lease analysis was not documented. Ms. Burcham explained that when City Council made the decision to lease, there had been an analysis and conversations with the Council about that decision. Information had been provided by the previous Social Services director, and it was viewed at the time to be in the best interest of the City to go through the lease versus the build option. Recent e-mail and voice communications have substantiated that the decision was based upon the same information that was shared with the Council at that time. Ms. Burcham stated that the written documentation needed has not been found. However, the information recently received was the same as it was three years ago.

3. INTERNAL AUDIT REPORTS:

- A. Computer Aided Dispatch (CAD)
- B. City Findings Follow-Up
- C. Human Resources Survey
- D. Parks and Recreation
- E. Sheriff's Canteen & Jail Inmate Funds

Dr. Cutler introduced the issue of the gold permits in the City Findings Follow-Up audit. Ms. Burcham pointed out a memo from Police Chief Gaskins to Assistant City Manager, Rolanda Russell, dated December 17, 2004, which was included with that particular audit. The memo stated that after further review, there were a fewer number of secondhand jewelry dealers than the 40 identified in 2001. In 2004, only four companies were required to be issued a gold permit. Mr. Harmon said more details would be forthcoming on this because an annual audit was being conducted which would be presented to the Audit Committee in March, 2005.

Mr. Lea expressed some concerns regarding the Parks and Recreation audit. Mr. Harmon (because of the time constraint of the meeting) said he would be glad to meet individually or by telephone to discuss any concerns the committee members might have. He further explained that the part-time payroll overpayments came to light during the follow-up audit when a number of timesheets for one employee for the same pay period were noted. The ultimate cause was human error in trying to get paperwork for payroll processed quickly and taking some shortcuts that created bad results. There was not a great deal of money involved in the three years examined. It does not appear that the intent was to deceive, but that it was a matter of not following procedure. Municipal Auditing will be working with Parks and Recreation to give better feedback to the supervisors on how to improve in this area.

Dr. Cutler ordered that internal audits A through E be received and filed. There were no objections to the order.

4. UNFINISHED BUSINESS:

There was no unfinished business to come before the committee.

5. NEW BUSINESS:

There was no new business to come before the committee.

6. ADJOURNMENT:

There being no further business, the meeting was adjourned at 2:01 p.m.

M. Rupert Cutler, Chair

MINUTES OF GREATER ROANOKE TRANSIT COMPANY AUDIT COMMITTEE

December 20, 2004

1. CALL TO ORDER:

The meeting of the Greater Roanoke Transit Company Audit Committee was called to order at 1:04 p.m. on Monday, December 20, 2004, with Chair, Dr. M. Rupert Cutler, presiding.

The roll was called by Mrs. England

Audit Committee

Members Present: Dr. M. Rupert Cutler, Chair

Vice-Mayor Beverly T. Fitzpatrick, Jr.

Alfred T. Dowe, Jr. Sherman P. Lea Brenda L. McDaniel

Others Present: Drew Harmon, Municipal Auditor

Darlene L. Burcham, City Manager William M. Hackworth, City Attorney Jesse A. Hall, Director of Finance

Ann Shawver, Deputy Director of Finance

George C. Snead, Jr., Asst. City Manager for Operations Rolanda B. Russell, Asst. City Manager for Community

Development

David Morgan, General Manager, GRTC R. Timothy Conner, Partner, KPMG LLP

Peter J. Ragone, II, Senior Manager, KPMG LLP Major James Brubaker, Sheriff's Department Mike Tuck, Assistant Municipal Auditor

Pamela Mosdell, Information Systems Auditor

Brian Garber, Senior Auditor Cheryl Ramsey, Auditor

Doris England, Administrative Assistant

2. EXTERNAL AUDIT REPORTS:

KPMG Audit Reports:

- A. GRTC Transit Operations Financial Statements 6/30/04 and 2003
- B. GRTC Report to Board of Directors 6/30/04
- C. Southwestern Virginia Transit Management Company, Inc. Retirement Plan and Trust Financial Statements
 - 12/31/03 and 2002
 - 12/31/02 and 2001
 - 10/15/01 and 12/31/00

Dr. Cutler asked Mr. Morgan to explain why there were three years of Retirement Plan and Trust Financial statements on the agenda. Mr. Morgan responded that the retirement plan was changed a few years ago from a post-tax plan to a pre-tax plan and doing so delayed the audit process. This audit is catching up for that delay. Dr. Cutler also asked why there appeared to be two years of financial statements being reported, and Mr. Ragone responded the pension plan is a calendar year plan.

Dr. Cutler asked for clarification of a report in the Management's Discussion and Analysis of the Basic Financial Statement, which indicated there was an impairment loss of \$209,000 for revenue collection equipment. Mr. Harmon said he believed this loss was due to the fare collection equipment not performing as expected causing GRTC to write off that loss. Mr. Morgan explained that the company the equipment had been purchased from had gone bankrupt and was no longer in business. Therefore, GRTC was unable to obtain parts to maintain the equipment.

Chairman Cutler asked Mr. Morgan about the Gillig buses – where they were made and if they were bio-diesel capable. Mr. Morgan responded the buses were made in Hayward, California, and were not bio-diesel capable. At this time, bio-diesel buses are not available to the transit industry. Dr. Cutler expressed concern that the bus stock of the GRTC should be efficient and meet upcoming restrictions on effects regarding ozone. Mr. Morgan said the EPA standards for diesel engines are becoming more stringent, and GRTC now meets the 2007 requirements. The next level of requirement beyond that is having buses that are bio-diesel capable. The GRTC is working with a local environmental group to increase fuel mileage and reduce emissions.

Chairman Cutler ordered that the KPMG audit reports be received and filed. There was no objection to the order. Dr. Cutler recognized Mr. Harmon for comments. Mr. Harmon introduced Mr. Conner and Mr. Ragone from KPMG for comments. Mr. Conner briefed the committee and stated the reports were unqualified opinions. There were no further questions or comments from the committee.

Dr. Cutler stated he understood GRTC to be made up of three firms, and he would like better clarification on the entity. Mr. Harmon explained that GRTC is a blended component unit that receives part of its revenue from grants. The City Council is the Board of Directors for the GRTC, First Transit is the management company that provides the positions held by Dave Morgan and Chip Holdren, and the Retirement Trust is a separate entity which holds the funds in trust for those in the retirement plan. Chairman Cutler asked if there were other similar systems to compare this to, and Mr. Harmon said there were no others within the City, although the Schools are a discrete component unit.

Mr. Fitzpatrick said he understood transit companies across the state were set up similar to the GRTC in Roanoke. This is because most transit companies were originally private and their drivers and mechanics were union members. Because of that, the City cannot represent or negotiate as part of a unionized entity. Therefore, the management company is needed as a neutral body for this purpose.

Dr. Cutler asked about the status of the trolley study for the City and how GRTC was in a position to have the study conducted. Ms. Burcham stated the consultant who prepared that study was scheduled to attend Council's first meeting in January. Funding for the study was secured through GRTC and matching components in grants. If Council chooses to go to the next phase of the process, the City would make application through GRTC as the transportation entity for the City. Council had expressed interest in having the trolley study conducted and requested GRTC to initiate the study some months, perhaps even a year, ago.

3. UNFINISHED BUSINESS:

There was no unfinished business to come before the Committee.

4. NEW BUSINESS:

There was no new business to come before the Committee.

5. ADJOURNMENT:

There being no further business, the meeting was adjourned at 1:15 p.m.

M. Rupert Cutler, Chair



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

February 22, 2005

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C. Wester Hours

C. Nelson Harris Mayor

CNH:snh



CITY OF ROANOKE OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452 ROANOKE, VIRGINIA 24011-1594 TELEPHONE: (540) 853-2444 FAX: (540) 853-1145

February 22, 2005

The Honorable Vice-Mayor and Members of the Roanoke City Council Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

C. Welson Harris

C. Nelson Harris Mayor

CNH:snh

CITY OF ROANOKE

INTERDEPARTMENT COMMUNICATION

TO: Mary F. Parker, City Clerk

FROM: Beryl Y. Brooks, General Registrar

DATE: February 8, 2005

SUBJECT: Voting Equipment Change (Absentee Precinct)

In order to better comply with the changes implemented by HAVA and ADA requirements the Electoral Board is requesting to change the type of voting equipment used for In-Person voting in our Absentee Precinct to DRE (Direct Recording Electronic) device, effective by the Primary Election to be held in June 2005. Currently we use paper ballots for both In-Person and Mail Absentee. On Election Day we then feed ballots into a reader that records the votes by mark sense. We currently use ES&S (Election Systems & Software) DRE devices in our regular precincts on Election Day, this change would allow all In-Person Absentee votes to be cast on the same equipment and allow those with disabilities to vote in private with the ADA units, if they choose to.

This change complies with Section 24.2-626 of the Virginia Election Laws and has been forwarded to the City Attorney for submission to the Department of Justice. We are requesting that this matter be brought before City Council at the February 22, 2005 session.

Thank you, for your cooperation in this matter and please call me at X1037, if there are any questions.

BYB:

Attachments



Roanoke City Electoral Board

Gilbert E. Butler, Jr., Chairman Joanne P. Jones, Vice Chairman Carl T. Tinsley, Sr., Secretary

RESOLUTION

ROANOKE CITY ELECTORAL BOARD

February 7, 2005

The Roanoke City Electoral Board has unanimously decided to request Department of Justice approval to use DRE (Direct Recording Electronic) voting machines for In-Person voting in our Central Absentee Precinct. We have already been granted permission and successfully used the DRE, city wide, in the Presidential Election November 2005. In order to further comply with the HAVA (Help America Vote Act), we would like to implement the use of the DRE so voters that choose to come to the Central Absentee Precinct may cast their vote on the machines as done at the precincts on Election Day. Absentee voters casting their vote by mail will still be done by paper ballot and read in to a mark sense reader for tabulation on Election Day. The City Attorney will be asked to prepare a submission to the Department of Justice for approval of this change to be implemented in the Primary Election scheduled for June 2005.

Carl T. Tinsley, Secretary

Roanoke City Electoral Board



January 31, 2005

Roanoke City Council and Roanoke Neighborhood Advocates Noel C. Taylor Municipal Building 215 Church Avenue, SW Roanoke, VA 24011

To All Concerned:

It is with deep regrets that I must resign my position as a member of Roanoke Neighborhood Advocates, effective immediately. Due to family obligations I am in the process of moving to Craig County, and therefore cannot serve as an advocate any longer.

During my short tenure as a member of RNA, it has been a pleasure working with all concerned for the improvement of this wonderful city. I commend you all for your fine work.

Sincerely,

Althea L. Pilkington

Solher L. Prily Li

2905 Courtland Road, NW Roanoke, VA 24012



Office of Corporate Counsel Telephone: 540 224 5065 Telecopier: 540 224 5794 Email: rmanetta@carilion.com

Robert B. Manetta, Esq.

February 9, 2004

The Honorable Mayor and Members of the Roanoke City Council Roanoke City Council City of Roanoke 215 W Church Avenue Roanoke, Virginia 24016

Dear Mayor Harris and Members of Council:

I had the pleasure of serving as a member of the Architectural Review Board since November 18, 1991. I have had the opportunity to help it grow from a struggling experiment to a proven protector of some of Roanoke's oldest housing stock. The ARB has also helped the City encourage and protect significant public and private investments in the market area.

I was Chair of the Architectural Review Board for five years. During that time it was frequently necessary to come before Council in order to explain the Architectural Review Board's position on difficult and sometimes arcane issues. I am grateful for the respect given to me during those appearances.

The last time I was up for reappointment, the Director of Planning was relatively new, there had recently been three different agents serving the Board in a very short period of time and the majority of the Architectural Review Board was also new. I was encouraged by your membership to stay another term in order to ensure continuity. Now Mr. Townsend has shown himself to be an invaluable ember of the City staff and a strong supporter of the Boards for which he is responsible. Ms. Beckett has helped thousands of applicants in a very professional manner. Whenever possible she has guided those applicants through the process as efficiently as the applicant will allow and has always advised them on how to proceed with their projects in a manner consistent with the relevant ordinances and guidelines. In addition, there has been no turn over on the Board for the past few years and the Boards deliberations are consistently conducted in a wise and respectful manner.

RE: Resignation February 9, 2005

Page 2

In light of the above, I think now is an excellent time to provide someone else with the opportunity to serve the City on the Architectural Review Board. Therefore, by this letter, I am submitting my resignation as a member of the Board.

Very truly yours,

Robert B. Manetta

Associate General Counsel

cc: Brian Townsend, Director, Planning, Building and Development

Anne Beckett, Agent ARB Robert Rickert, Chair, ARB



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Department of Fire Programs Heavy and Tactical Rescue Team Grant

Background:

Roanoke Fire-EMS was interviewed in January 2005 by representatives from the Virginia Department of Fire Programs for consideration in becoming the Division VI State Heavy and Tactical Rescue Team. Partnering with Roanoke County Fire and Rescue to form a regional team, Roanoke Fire-EMS was selected. There will be seven teams in Virginia playing a vital role in statewide response to technical rescue incidents. In an effort to further enhance each selected team's capability, a one time grant in the amount of \$42,857 will be awarded for purchase of specific equipment. No local match funding is required.

Considerations:

City Council action is needed for the City to formally accept and appropriate these funds, and to authorize the Director of Finance to establish a revenue estimates and appropriate funding to purchase the equipment and supplies in accordance with provisions of this grant.

The Honorable Mayor and Members of Council February 22, 2005 Page 2

Recommended Action:

Accept the grant as described above and appropriate State grant funds of \$42,857 with a corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund. Authorize the City Manager to execute any required grant agreements or documents, such to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief
Sherman M. Stovall, Director of Management and Budget
Ken King, Fleet Manager

CM05-0021



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Fire Programs Heavy and Tactical Rescue Team Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Expendable Equipment (<\$5,000) 035-520-3562-2035 \$ 42,857

Revenues

Fire Programs Heavy and Tactical Rescue Team

Grant FY05-State 035-520-3562-3564 42,857

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the Heavy and Tactical Rescue Team Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City of Roanoke hereby accepts the offer made by the Virginia Department of Fire Programs of a Heavy and Tactical Rescue Team Grant in the amount of \$42,857.00.
- 2. The City Manager or the Assistant City Manager for Operations is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the Heavy and Tactical Rescue Team Grant as approved as to form by the City Attorney.
- 3. The City Manager or the Assistant City Manager for Operations is further directed to furnish such additional information as may be required by the Virginia Department of Fire Programs in connection with the City's acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject:

Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities

Background:

Solicitation and award of City contracts must comply with the City Charter and City Procurement Policy as well as the Virginia Public Procurement Act. In general, public procurement requires the City to obtain bids and award contracts on City projects to the "lowest responsive and responsible bidder." The determination of whether the bidder is "responsible" must be made upon considerations solely related to job performance.

The attached plan proposed that when bids or proposals are solicited directly from potential contractors, solicitations include, when possible, appropriate businesses from the lists maintained and/or available to the Purchasing Division, including but not limited to the list from the Virginia Department of Minority Business Enterprise. The City of Roanoke currently maintains a separate database of small, minority and women-owned businesses. All City departments are encouraged to solicit a MBE/WBE/SB vendor in all procurement transactions. Meet and Greet events are held for large construction projects to give small business contractors an opportunity to meet

Mayor Harris and Members of City Council February 22, 2005 Page 2

with the large business owners in an effort to become subcontractors on City projects. The City continues to reduce the scope of projects, if possible, to reduce the need for bonding and large insurance requirements. The annual Regional Building New Partnership Conference, hosted by the City, is for the education of MBE/WBE/SB vendors to improve bidding and responsiveness to request for proposals and invitations to bid.

City Council and the City Administration recognize the need for improving opportunities for small, minority and women-owned business enterprises to participate in City contracts. With the adoption of this plan improved business opportunities should result, as the City makes clear to the community its policy to encourage opportunities for small, minority, and women-owned business enterprises to participate in City contracts.

Recommended Action:

City Council repeal Resolution No. 31012051892, Minority and Women-Owned Business Enterprise Plan, and adopt the attached Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities. Authorize the City administration to take the appropriate measures to implement the Plan effective immediately.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:stg

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Phil Schirmer, Engineer
Jeffrey H. Powell, Director of General Services
Sharon T. Gentry, Purchasing Manager

CM05-00004

CITY OF ROANOKE, VIRGINIA

Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities

1. POLICY STATEMENT

It is the policy of the City of Roanoke to encourage participation by small businesses and minority-owned and women-owned business enterprises in all aspects of City contracting opportunities. In order to demonstrate its commitment to this policy, the procedures set forth in this document shall be followed whenever possible.

2. **DEFINITIONS**

A minority business enterprise ("MBE" or "MBES" in the plural form) is a business that is both owned and controlled by minorities. This means that minorities must own fifty-one percent of the business, and that they must control the management and daily operations of the business.

A women business enterprise ("WBE" or "WBES" in the plural form) is a business that is both owned and controlled by women. This means that women must own fifty-one percent of the business, and that they must control the management and daily operations of the business.

A small business ("SB" or "SBS" in the plural form) is a United States business that does not exceed fifty employees, is independently owned and operated, and is not dominant in its field or operation or an affiliate or subsidiary of a business dominant in its field of operation.

A minority is an individual who is a citizen or lawful resident of the United States and is Black, Hispanic, Asian American, American Indian, Alaskan Native or a member of another group who the Small Business Administration has determined is economically and socially disadvantaged under Section 8 (a) of the Small Business Act.

3. EMPLOYMENT DISCRIMINATION PROHIBITED

Every contract of over ten thousand dollars (\$10,000.00) to which the City is a party shall contain the provisions in subparagraphs (a) and (b) herein:

- (a) During the performance of this contract, the contractor agrees as follows:
 - 1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
 - 2. The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
 - 3. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- (b) The contractor will include the provisions of the foregoing subparagraphs (a)(1),
 (2) and (3) in every subcontract or purchase order of over ten thousand dollars (\$10,000), with regard to the contract with the City, so that the provisions will be binding upon each subcontractor or vendor.

4. LIST OF MBES, WBES AND SBS

The City's Purchasing Division will establish and maintain a list of minority-owned and women-owned business enterprises. As appropriate, this list may include vendors at regional, state and national levels. A separate list of local MBES and WBES shall be established and, when established, be made available or the master list shall be searchable for local vendors. The local area shall consist of the Roanoke Valley, which shall include those areas included in the metropolitan statistical area as defined by the United States Office of Management and Budget for Census Bureau data purposes. The regional area shall include all cities, counties and towns, within the Commonwealth of Virginia, any part of which fall within a 50 mile radius of the City of Roanoke.

The City's Purchasing Division will establish and maintain a list of small businesses at the regional level.

The Purchasing Division shall serve as the primary contact for businesses to request to be added to the MBE/WBE list or the small business list and for businesses, organizations or individuals desiring access to the lists.

In maintaining these lists, the City's Purchasing Division will cooperate with the Virginia Department of Minority Business Enterprise, the United States Small Business Administration and other public or private agencies.

The Purchasing Division will maintain a list of agencies and organizations that provide assistance and/or education to MBES, WBES and SBS and inform such businesses of the resources available to them. The list will contain the types of services offered and contact information. The Purchasing Division will assist other organizations in publicizing training opportunities for MBES, WBES and SBS.

5. ALL CONTRACTS

In procuring goods and services for the City, all City employees shall follow the guidelines and mandates contained in the Purchasing Division's Procurement Manual with regard to solicitation of MBES and WBES.

When bids or proposals are solicited directly from potential contractors, solicitations shall include, when possible, appropriate businesses from the lists maintained by and/or available to the Purchasing Division, including but not limited to the list from the Virginia Department of Minority Business Enterprise.

All solicitation, addenda and award actions over \$30,000 shall be posted on the City of Roanoke's web site http://www.roanokeva.gov

Invitation to Bid solicitation notices over \$50,000 and Requests for Proposals estimated to be over \$30,000 shall be advertised in both <u>The Roanoke Times</u> and <u>The Roanoke Tribune</u> whenever possible. Such Invitation to Bid solicitation notices and Requests for Proposals shall also be advertised on RVTV.

6. CONSTRUCTION CONTRACTS

This paragraph shall apply to all construction contracts whenever advertising of the Invitation to Bid is required.

The bid documents will contain a list of, or a reference to a list of, MBES, WBES and SBS. The list will be provided to assist and encourage the general contractors' use of the listed businesses as subcontractors.

The City will provide a copy of the plans and specifications for all construction projects to the Southwest Virginia Community Development Fund, F. W. Dodge of Roanoke, and Valley Construction News plan room(s) so that MBES, WBES and SBS can review the documents. The documents will also be available for review, at no charge, at the Office of the City Engineer.

The City Engineer, the Purchasing Manager and the Project Engineer will require that general contractors make a "best or good faith effort" to seek the participation of and utilize MBES, WBES and SBS as suppliers and subcontractors. General contractors will be required to show that they have made efforts to recruit MBES, WBES and SBS by incorporating into the bid or proposal form:

- a. Statements indicating efforts to negotiate with MBES, WBES and SBS and the results of such efforts. Bidders will be required to list those MBES, WBES and SBS from whom quotations for labor, materials, and/or services have been solicited, and state which MBES, WBES and SBS, if any, the contractor will use on the project if awarded the bid; and
- b. A certification that the contractor has made a good faith effort to utilize MBES, WBES and SBS whenever possible.

A bid response that does not contain such statements and certification will be deemed non-responsive and will be rejected.

If the contractor listed MBES, WBES and/or SBS that it would use on the project if awarded the bid and the contractor is awarded the bid, the contractor will be required to use his or her best efforts to utilize the MBES, WBES and SBS identified by the contractor unless the contractor can demonstrate a nondiscriminatory, sound, business reason for not using the MBE, WBE or SB. The City Engineer, in his or her sole discretion, will determine whether or not the contractor has demonstrated a nondiscriminatory, sound, business reason.

The contractor, in every monthly request for payment, shall submit a status report of MBE, WBE, and SB participation in the project to date. Payment shall not be issued to the contractor until such status report is submitted.

The Purchasing Manager will closely monitor the requirements of this section.

7. RACIAL DISCRIMINATION IN CONSTRUCTION CONTRACT BONDING AND INSURANCE

In construction contracting, if any person is found by the City Manager or a designee to have engaged in discrimination on the basis of race or gender in the granting of bonds or insurance to persons who contract with or desire to contract with the City, or to persons who receive subcontracts or desire to receive a subcontract in connection with a City contract, the person shall be deemed unqualified to submit a bond or insurance for any City construction contract unless and until the City Manager or designee determines that the discrimination has been purged and that adequate assurances have been made that it will not recur. Any determination by the City Manager of a violation of this section shall be reported in writing to City Council.

8. FEDERAL, STATE OR OTHER GRANT REQUIREMENTS

In addition to the provisions of this Plan, when the City is using funds subject to federal, state or other grant requirements with regard to MBES, WBES and/or SBS, the City's Department managing the specific solicitation will take all necessary affirmative steps to assure that the requirements of the grant or program are met.

9. ECONOMIC DEVELOPMENT

The Department of Economic Development will assist the Purchasing Division by providing MBES, WBES and SBS with information regarding the resources available to them and by referring such businesses to the Purchasing Division for additional information.

The Department of Economic Development will also include MBES, WBES and SBS in any programs it has to introduce and familiarize businesses with opportunities in the City.

10. DEBARMENT

Any offeror or bidder, or any principal thereof or person associated therewith, found to have engaged in substantial and intentional misrepresentation concerning either good faith MBE, WBE and/or SB participation efforts or its status as a minority owned, women owned or small business shall be debarred from any City contracting for a period of two (2) years. This debarment shall also extend to any successor firm substantially controlled or managed, whether directly or indirectly, by any debarred individual. This determination shall be made by the City Manager or a designee; and any debarment shall be reported in writing to Council.

11. REPORTING

The Purchasing Manager shall, at the conclusion of each fiscal year, report to the City Manager for report to City Council on the Purchasing Division's compliance with this Plan and efforts made pursuant to the Plan. The report shall also include the level of participation by MBES, WBES and SBS in contracts that have been awarded by the City through formal solicitations during that fiscal year.

5.115

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

RESOLUTION repealing Resolution No. 31012-051892, which adopted a Minority and Women-Owned Business Enterprise Plan; and adopting and endorsing a Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. Resolution No. 31012-051892, which adopted a Minority and Women-Owned Business Enterprise Plan, be and is hereby **REPEALED**.
- 2. Council hereby adopts and endorses a Plan for Participation in Procurement Transactions of Small Businesses and Businesses Owned by Women and Minorities, which is attached to the City Manager's letter to Council dated February 22, 2005.
- 3. Council hereby authorizes the City Manager to take appropriate measures to implement the Plan immediately.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Project Resolution for Dr. Martin Luther King, Jr. Memorial Bridge (formerly First Street Bridge)

Background:

The Virginia Department of Transportation (VDOT) requires City Council resolutions documenting the City's support of a project before funding can be made available for the project. Therefore, City Council must pass such a resolution for the recent federal award of \$497,050 (VDOT UPC #72794) to be made available for the improvement of the Dr. Martin Luther King, Jr. Memorial Bridge (formerly First Street Bridge) in Roanoke. Approval of this resolution must include the City's agreement to pay the 20% match (\$124,262) to the federal funds and to reimburse VDOT for the total amount of the costs expended by VDOT, if the City subsequently elects to cancel the project. The local match funding is available in account 008-052-9754-9003 from funding previously appropriated to the project.

Recommended Action:

Adopt a resolution endorsing the improvement of the Martin Luther King Jr. Memorial Bridge (formerly First Street Bridge), agreeing to pay the 20% match (\$124,262) to the federal funds, and agreeing to reimburse VDOT for the total amount of the costs expended by VDOT, if the City subsequently elects to

Honorable Mayor and Members of City Council February 22, 2005 Page 2

cancel the project, and authorizing the City Manager to enter into any and all necessary agreements with applicable federal and state agencies or other affected parties to complete this project, such agreements to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/KHK/gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Robert K. Bengtson, P.E., Director of Public Works
Kenneth H. King, P.E. Manager of Division of Transportation

CM05-00023



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION expressing the support of the Council of the City of Roanoke to the Virginia Department of Transportation for the improvement of the First Street Bridge.

WHEREAS, in accordance with Virginia Department of Transportation ("VDOT") requirements, City Council must document the City's support, by resolution, of a project before an award of federal funds can be made available for the project.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

- 1. The City hereby endorses the improvement of the First Street Bridge, such improvements being more particularly described in the City Manager's letter dated February 22, 2005, to City Council.
 - 2. The City agrees to pay a twenty per cent (20%) match to the federal funds.
- 3. If the City subsequently elects to cancel this project, the City shall reimburse VDOT for the total amount of the costs expended by VDOT through the date VDOT is notified of such cancellation.
- 4. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, all necessary and appropriate agreements providing for the improvement of the First Street Bridge, such agreements to be in such form as is approved by the City Attorney.
 - 5. The City Clerk is directed to transmit an attested copy of this resolution to VDOT.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

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February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Transportation Safety Commission

Background:

The Commonwealth of Virginia once required local jurisdictions to have an active Transportation Safety Commission to be eligible for certain federal highway safety funds. This requirement was eliminated many years ago and most localities have abolished their local Commissions. In the summer of 2004, while reviewing issues with the City's commissions and boards, Council indicated that the current Transportation Safety Commission could be abolished and the functions could be appropriately managed by City staff. Staff could utilize a less formal working committee when needed to ensure thorough consideration and evaluation of transportation safety issues. This would be similar to the current process used to manage transportation planning activities such as development of the City's Long Range Transportation Improvement Plan.

The Commission has not been active since Council provided this direction although official action to abolish the Commission has not been taken and the members of the Commission appointed by Council have not been notified that their services are no longer necessary.

Honorable Mayor and Members of City Council February 22, 2005 Page 2

Recommended Action:

Adopt a resolution abolishing the City of Roanoke's Transportation Safety Commission and thanking its members for their service.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/KHK/gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works
Kenneth H. King, P.E., Manager of Division of Transportation
Mark D. Jamison, P.E., PTOE, City Traffic Engineer

CM05-00024

Me

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION abolishing the City of Roanoke Transportation Safety Commission.

WHEREAS, the City of Roanoke Highway Safety Commission was established October 21, 1968, by Resolution No. 18389, pursuant to Chapter 562 of the 1968 Acts of the General Assembly of Virginia;

WHEREAS, the City of Roanoke Highway Safety Commission was redesignated January 8, 1979, as the City of Roanoke Transportation Safety Commission by Resolution No. 24484;

WHEREAS, the Commonwealth of Virginia eliminated the requirement for local jurisdictions to have an active Transportation Safety Commission in order to be eligible for certain federal highway safety funds several years ago; and

WHEREAS, the Council of the City of Roanoke wishes to abolish the City of Roanoke Transportation Safety Commission.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

- 1. The City of Roanoke Transportation Safety Commission is hereby abolished.
- 2. The City Clerk shall transmit to each of the present members of the City of Roanoke Transportation Safety Commission an attested copy of this resolution and express to each member the City's appreciation of their service to the City.

Attest:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

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February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Amendments to the 2004/2005 & 2002/2003 Annual Updates to the City of Roanoke Consolidated Plan

Background:

In order to receive Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) funding, the City of Roanoke must submit a five-year Consolidated Plan and Annual Updates to the U.S. Department of Housing and Urban Development (HUD). Substantial amendments to the plan must undergo a 30-day public review and comment period and be approved by City Council.

At this time, the City has unexpended funds available in several previously planned activities. The City has identified several activities of importance to the community, which are summarized on the attachment to this report, to use these funds. In order to implement these uses, each activity and its associated funding must be added to the current plan. Individually and collectively, the activities constitute a substantial amendment to the plan that must be approved by City Council prior to their implementation.

Considerations:

The 30-day public review and comment period was conducted from January 21 to February 21, 2005. No comments objecting to the intended amendments

The Honorable Mayor and Members of Council February 22, 2005 Page 2

were received. Implementing the use of these funds during the current year will have the added benefit of assisting the City to maintain compliance with HUD's requirements concerning timely expenditures. Several funding transfers will need to be made, but these can be accomplished administratively through City Manager budget transfers.

Recommended Actions:

Approve the amendments to the 2004/2005 and 2002/2003 Annual Updates to the Consolidated Plan, as detailed in the attachment to this report and authorize the City Manager to execute any documents required by HUD in order to accept the funds, such documents to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB:feb

Attachment

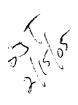
c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Acting Director of Management & Budget
Frank E. Baratta, Budget Team Leader

CM05-00018

Consolidated Plan

Annual Update Amendments February 22, 2005

- Greater Gainsboro Development Project Funds on hold for infrastructure improvements related to the Roanoke Neighborhood Development Corporation (RNDC) "Crew Suites Building" project will be released for other activities. Funds will be provided for the Greater Gainsboro Development Project when RNDC has secured the needed financing for its building project. (Decrease by \$558,730)
- Villa Heights Recreation Center Funds which have been on hold for Villa Heights are to be released for use in replacing the Eureka Center's HVAC system. (Decrease by \$84,000)
- 3. Southeast Health Care Transportation Assistance The unexpended balance of funds in this project will be released for use by Ku'umba Health and Wellness Center to expand its services to the community. (Decrease by \$17,600)
- 4. Neighborhood Development Grants Unexpended funds from one or more Neighborhood Development Grants (NDG) will be released for use by Old Southwest, Inc. in an NDG project to reduce instances of housing code violations. (Decrease by \$9,000)
- 5. Eureka Center Funds will be used to make improvements to the Eureka Center's HVAC system or other needs. (\$175,000, which includes the \$84,000 released from Villa Heights)
- 6. Lead Grant Match Funds will be used for housing rehabilitation or other costs associated with the \$1.5 million Lead Hazard Control Grant received by the City, and will thereby assist in meeting the match requirements of the grant. (\$55,000)
- 7. Ku'umba Health and Wellness Center Funds will be used to assist the Center to expand its services to the community, including continuing efforts to provide assistance to Southeast residents. (\$17,600)
- 8. World Changers 2005 Funds will be used by Blue Ridge Housing Development Corp. to provide housing repair services in one or more City neighborhoods during the summer of 2005. (\$80,000)
- 9. Hanover Project Funds will be used by Blue Ridge Housing Development Corp., in conjunction with Faith Works, to assist the rehabilitation or reconstruction of at least one home in the Hanover Avenue area of the City. (\$40,000)
- 10. Old Southwest NDG Funds will be used by Old Southwest, Inc. to reduce instances of housing code violations through education, repair assistance and related activities. (\$9,000)
- 11. Affordable Housing Initiative Program Funds for this project will be increased to allow rehabilitation of a second home for "Officer Next Door" or other low/mod-income occupancy. (\$25,000)
- 12. Litter Control Project Funds will be used to purchase and install litter containers in parks and other locations in CDBG-eligible neighborhoods. (\$40,000)
- 13. Gainsboro Segment of Lick Run Greenway Funds will be used to assist completion of the Gainsboro section of this greenway, which may include construction, landscaping or other related costs. (\$127,713)
- 14. Neighborhood Resource Centers Funds will be used to establish information centers at the Gainsboro and Melrose branch libraries and offer seminars to develop community leaders in these low/mod-income neighborhoods. (\$14,000)



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving certain amendments to the 2004/2005 and 2002/2003 Annual Updates to the City of Roanoke Five Year Consolidated Plan.

WHEREAS, each year, the City receives Community Development Block Grant ("CDBG"), Home Investment Partnership Program ("HOME"), and Emergency Shelter Grant ("ESG") funding from the United States Department of Housing and Urban Development ("HUD") for certain programs and activities;

WHEREAS, to receive such CDBG, HOME and ESG funding, the City must submit a Five Year Consolidated Plan ("Plan") and Annual Updates to HUD;

WHEREAS, substantial amendments to the Plan must undergo a 30-day public review and comment period and be approved by City Council;

WHEREAS, the City has unexpended funds available in several previously planned activities, which funds present an opportunity to assist a number of programs and activities of importance to the community; and

WHEREAS, in order to implement new programs and activities and to fund existing programs and activities from the excess income, the 2004/2005 and 2002/2003 Annual Updates to the City of Roanoke Five Year Consolidated Plan must be amended.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the amendments to the 2004/2005 and 2002/2003 Annual Updates to the City of Roanoke Five Year

Consolidated Plan	as described	in the City	Manager's letter	dated February	22, 2005, to this
Council are approv	ed.				

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Appropriation of VDOT Project Funding

Background:

The Virginia Department of Transportation's (VDOT) Six-Year Improvement Program (SYIP) includes funding for the following projects that are to be locally administered:

- Riverland Road, Bennington Street, & Mt. Pleasant Boulevard Intersection Improvement (UPC #71740) - Total project funding of \$1,080,000 which includes an FY05 allocation of \$220,000,
- 10th Street Pedestrian & Bicycle Crossing Improvements (UPC #71725) Total project funding of \$75,000 all of which is allocated in FY05, and
- Citywide Signal & ITS Improvements (UPC #71741) Total project funding of \$1,100,000 which includes an FY05 allocation of \$543,000.

Because these projects are to be locally administered, City Council needs to appropriate these funds to project accounts for disbursement against project development and implementation expenses. VDOT projects require a local match of 2%. Funding for the local match is available in the VDOT Highway projects account (008-530-9803)

Recommended Action:

Appropriate \$220,000 of VDOT project funding to an existing project account (008-530-9512) entitled "Riverland Road / Mt. Pleasant / Bennington Street".

Honorable Mayor and Members of City Council February 22, 2005 Page 2

Establish a revenue estimate of the same for State reimbursement through VDOT's Six-Year Improvement Program.

Appropriate \$75,000 of VDOT project funding to a new project account to be entitled "10th Street Crossing Improvements". Establish a revenue estimate of the same for State reimbursement through VDOT's Six-Year Improvement Program.

Appropriate \$543,000 of VDOT project funding to a new project account to be entitled "Signal & ITS Improvements". Establish a revenue estimate of the same for State reimbursement through VDOT's Six-Year Improvement Program.

Authorize the City Manager to enter into any and all necessary agreements with applicable federal and state agencies or other affected parties to complete these projects, such agreements to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham City Manager

DLB/KHK/gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management & Budget
Robert K. Bengtson, P.E., Director of Public Works
Kenneth H. King, P.E., Manager of Division of Transportation

CM05-00022



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding to be provided by the VDOT Six-Year Improvement Program for the Riverland Road, Mt. Pleasant Boulevard Intersection, Bennington Street, 10th Street Crossing Improvements and Signal & ITS Improvements Projects, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Appropriated from State Grant Funds	008-530-9512-9007	\$ 220,000
Appropriated from State Grant Funds	008-530-9832-9007	75,000
Appropriated from State Grant Funds	008-530-9833-9007	543,000
Revenues		
Riverland Rd./Mt. Pleasant/Bennington St.	008-530-9512-9913	220,000
10 th Street Crossing Improvements	008-530-9832-9914	75,000
Signal & ITS Improvements	008-530-9833-9915	543,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

3/17/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to enter into any and all necessary

and appropriate agreements to complete certain projects in the City of Roanoke which are in

the Virginia Department of Transportation's Six-Year Improvement Projects.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and

the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively,

all necessary and appropriate agreements to complete certain projects in the City of Roanoke

which are in the Virginia Department of Transportation's Six-Year Improvement Projects.

such projects being more particularly described in the City Manager's letter dated February

22, 2005, to City Council, such agreements to be in such form as are approved by the City

Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

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February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor and Members of Council:

Subject: Subgrant Agreement with Blue

Ridge Housing Development Corporation, Inc., for the 2005

World Changers Project

Background:

World Changers, a volunteer ministry of the North American Mission Board, Southern Baptist Convention (World Changers), brings together youth and adults from across the Nation to participate in housing and related community service projects. Last year, under a subgrant agreement with Blue Ridge Housing Development Corporation, Inc. (BRHDC), which provided Community Development Block Grant (CDBG) funding for materials and other support, approximately 400 World Changers volunteers assisted in repairing nearly 40 homes in the city. During the project, housing for workers was provided by the Roanoke City School Board. Given the success of this project in 2004 and in the prior year, and the productive working relationships that have been established. the City, BRHDC and World Changers are looking to conduct another project during the summer of 2005. A total of \$80,000 in CDBG funds is to be committed to the 2005 project, as detailed in the attached draft subgrant agreement. The use of these funds is being authorized by City Council through a separate report being considered today, which amends the City's Consolidated Plan to add the 2005 World Changers and other projects. The

The Honorable Mayor and Members of Council February 22, 2005 Page 2

appropriate City Manager Budget Transfers may be made administratively following such approval so as to place the needed finding in designated accounts.

Considerations:

A subgrant agreement, similar in form and content to the attachment to this Council Letter, will outline the activities to be undertaken by BRHDC and World Changers. Housing for the World Changers volunteers will again be provided by the Roanoke City School Board; arrangements are being finalized by BRHDC and City staff directly with school officials.

Recommended Action:

Authorize the City Manager to execute a CDBG Subgrant Agreement with Blue Ridge Housing Development Corporation, Inc., similar in form and content to the attachment to this Council Letter, such agreement to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham

City Manager

DLB:feb

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Frank E. Baratta, Budget Team Leader

CM05-00020

AGREEMENT

This agreement is made and entered into this first day of January, 2005, by and between the following parties:

The Grantee - City of Roanoke, Virginia

215 Church Avenue, S.W. Roanoke, Virginia 24011

The Subgrantee - Blue Ridge Housing

Development Corporation, Inc.

510 11th Street, N.W. Roanoke, Virginia 24017

WITNESSETH

WHEREAS, by Resolution No022205, adopted February 22, 2005, Roanoke City Council authorized amending the 2004-2005 Annual Update to the Consolidated Plan to provide funding for the 2005 World Changers activities; and
WHEREAS, by Resolution No, Roanoke City Council authorized the execution of a subgrant agreement between the Grantee and the Subgrantee to conduct the 2005 World Changers activities and by Ordinance Noappropriated funds therefor;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **SCOPE OF SERVICES**:

- a. General Activities to be undertaken by the Subgrantee under this Agreement shall be known as the "Summer 2005 World Changers Housing Rehabilitation Project" (the "Project") and have as their purpose the rehabilitation of single-family housing. Through CDBG funding provided by the Grantee, the Subgrantee will coordinate the rehabilitation of approximately thirty (30) homes located in targeted areas of the City of Roanoke. In addition, the Subgrantee may coordinate community service projects such as block litter clean-ups, gateway beautification, planting trees or shrubbery in the areas of property rehabilitation. All homes assisted with CDBG funds under this Agreement shall be the principal residences of "eligible homeowners," as described in section 1.b. below. Further, housing activities shall be conducted in a manner consistent with the Subgrantee's due diligence and cost detail incorporated into this Agreement by reference.
- b. <u>Eligible Homeowners</u> -- For the purposes of this Agreement, an "eligible homeowner" shall mean a family whose income, adjusted for family

size, does not exceed 80% of the area median income defined by the U.S. Department of Housing and Urban Development ("HUD") and in effect at the time the family applies for assistance. In addition, the home for which the family is applying for assistance must be the family's principal residence. The Subgrantee shall prepare, and retain with records of the Project, documentation of its determination of each eligible family's size and income, including the name, age, and the sources and estimated amount of income anticipated for the succeeding twelve months for each individual related by birth, marriage or adoption living in the same household at the time of the determination.

- c. Allowable Expenditures -- Funds provided by the Grantee under this Agreement shall be used by the Subgrantee solely for the costs associated with coordinating the rehabilitation of approximately thirty (30) homes in the targeted areas of the City of Roanoke. Except as indicated below, funds under this Agreement may be expended for any necessary, reasonable and allowable CDBG costs, including, but not necessarily limited to, staff, marketing, property preparation, supplies and equipment rental, rehabilitation costs, and other related costs associated with the Project. With the Grantee's prior approval, expenditures may also include the cost of capacity-building activities of the Subgrantee.
- d. <u>Period of this Agreement</u> --This Agreement shall be effective as of _______, 2005, and, unless amended, shall end September 30, 2005.

2. **BUDGET**

Unless amended, the total amount of CDBG fund provided by the Grantee under this Agreement shall not exceed \$80,000. Of this amount, not more than \$8,000 shall be used by the Subgrantee for general administrative, project delivery and capacity-building activity costs without prior written approval from the Grantee. At the sole discretion of the Grantee, any funds remaining unexpended as of the end date of this Agreement may be deobligated from the Agreement and made available for other CDBG projects of the Grantee, as appropriate.

3. REQUESTS FOR DISBURSEMENTS OF FUNDS

- a. Disbursement of funds under this Agreement shall not be requested until the funds are needed for payment of allowable expenses. The amount of each disbursement request must be limited to the amount needed.
- b. In general, disbursements shall be requested no more frequently than monthly, and shall be submitted to the Grantee's Department of

Management and Budget in form and content satisfactory to the Grantee, including copies of invoices or bills from vendors supporting the request. Requests for payment of staff wages and benefits shall be supported by payroll summaries or similar documentation.

- c. Disbursement of funds to the Subgrantee for properly documented requests will generally be made within ten (10) days of receipt, subject to the allowability of costs and the timely receipt of monthly reports (see section 5 below).
- d. All requests for disbursements of funds associated with activities under this Agreement must be received by the Grantee within 30 calendar days of the ending date set forth in section 1.d. above. The Grantee shall not be bound to honor requests for disbursements received after this 30-day period has expired.

4. **RECORDS REQUIREMENTS**

- a. Records to be maintained -- At a minimum, the Subgrantee shall maintain financial and project documents and records which comply with the requirements of 24 CFR 570.506, and 570.507, as applicable.
- b. Period of record retention -- In compliance with the requirements of 24 CFR 570.502(b), the Subgrantee shall retain financial and project documents and records pertaining to this Agreement for a period of four (4) years, as applicable, or the conclusion of any legal or administrative process requiring their use, whichever is later.
- c. Access to records -- The Grantee and other entities shall have access to financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 84.53.

5. **REPORTING REQUIREMENTS**

- a. By the 7th working day following the end of each month, the Subgrantee shall report the progress of activities covered by this Agreement, in a format acceptable to the Grantee's Department of Management and Budget. Such monthly reports shall include, but not be limited to, the following:
 - A narrative section summarizing progress to-date on each program included under the Scope of Services and documents any matching funds identified or to be contributed by the Subgrantee;
 - (2) A list of monthly gross program income receipts from all sources;

- (3) A list of any real or non-expendable personal property, including equipment, purchased with CDBG funds; and
- (4) A table providing data on each housing unit and eligible family assisted (see Attachment A for minimum data elements to be reported).
- b. The Subgrantee agrees to submit any other reports or documentation as requested by the Grantee concerning activities covered under this agreement.

6. **MONITORING**

The Subgrantee shall monitor the progress of the project covered by this Agreement, and shall submit appropriate reports to the Grantee's Department of Management and Budget. In addition, it is the Grantee's intention to monitor the Subgrantee's performance and financial and programmatic compliance, which may include on-site reviews, at least once during the period of this Agreement.

7. ANNUAL AUDIT

As an entity receiving more than \$300,000 in federal funding from the Grantee, the Subgrantee shall provide for an annual independent audit of the CDBG/HOME expenditures under this Agreement which complies with OMB Circular A-133. Within 30 days following its completion, two (2) copies of the audit will be provided to the Grantee's Department of Management and Budget.

8. **PROGRAM INCOME**:

"Program income" means gross income received by the Grantee or Subgrantee directly generated from the use of CDBG funds. Program income from any and all sources shall be submitted to the Grantee within five (5) days of its receipt by the Subgrantee. No program income is expected.

9. **REVERSION OF ASSETS**

- a. Upon expiration or termination of this Agreement, including any amendments thereto, the Subgrantee shall transfer to the Grantee any CDBG funds or Program Income on hand at the time of expiration or termination and any accounts receivable attributable to the use of CDBG funds.
- b. Any real property under the Subgrantee=s control that was acquired or improved, in whole or in part, with CDBG funds in excess of \$25,000:

- (1) Shall continue for a period of not less than five years following expiration of this Agreement, including any amendments thereto, to be used to meet one of the CDBG national objectives cited in 24 CFR 570.208; or
- (2) If the property is not used in accordance with paragraph (1) above, the Subgrantee shall pay the Grantee an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment shall be considered Program Income to the Grantee.

10. SUSPENSION AND TERMINATION

In the event the Subgrantee materially fails to comply with any term of the Agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.

11. COMPLIANCE WITH FEDERAL REGULATIONS

The Subgrantee agrees to abide by the HUD conditions for CDBG programs as set forth in Attachment B and all other applicable federal regulations relating to specific programs performed hereunder. Further, the Subgrantee agrees to require compliance with applicable federal regulations of the contractor by agreement.

12. **SECTION 504**:

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended which prohibits discrimination against the disabled in any federal assisted program.

13. OTHER PROGRAM/PROJECT REQUIREMENTS

In addition to other requirements set forth herein, the Subgrantee shall likewise comply with the applicable provisions of Subpart K of 24 CFR 570, in accordance with the type of project assisted. Such other requirements include, but are not necessarily limited to, the following.

b. Property standards and lead-based paint -- All housing assisted shall meet the Statewide Building Code and the lead-based paint requirements in 24 CFR 570.608. In accordance with regulations, the Subgrantee shall adhere to lead-based paint abatement practices, as applicable, and in no case shall use lead-based paint in the

- construction or rehabilitation of the properties assisted under this Agreement.
- d. Section 109 -- In accordance with Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 3535(d)), no person in the United States shall on grounds of race, color, religion, sex or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds available under this Agreement. (See also Attachment B.)
- e. <u>Conditions for religious organizations</u> -- The Subgrantee shall not grant or loan any CDBG funds to primarily religious organizations for any activity including secular activities. In addition, funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. In particular, there shall be no religious or membership criteria for homeowners to be assisted under this Agreement.
- f. <u>Labor standards</u> -- As herein structured, the program covered by this Agreement is not considered subject to federal Labor Standards, including prevailing (Davis-Bacon) wage rates for non-volunteer labor. Such standards will be applicable in the event CDBG funds are used for infrastructure improvements. Such standards will also become applicable for any single structure in which more than 7 housing units are assisted.
- Environmental standards -- In accordance with 24 CFR 85.36, 92.352 g. and 570.604, the activities under this Agreement are subject to environmental review requirements. Such requirements include, but are not necessarily limited to, historic significance, floodplain, clean air and hazardous sites. The Grantee has performed the tiered review necessary to initiate the preliminary program activities; however, no CDBG funds may be expended for a given property prior to the Subgrantee's completing its individual property review, any required remedial actions and required Subgrantee environmental checklist. which must include all compliance categories specified by HUD and the Grantee. Where property is to be acquired, the Subgrantee will conduct, directly or through qualified entities, at minimum an "environmental transaction screen," which consists of a review of the property's history and a site visit to determine the condition of the All property acquisitions shall be contingent upon property. satisfactory results of the screen, and, where dictated by the screen. further environmental phases. All specifications for proposed housing rehabilitation under this Agreement shall be submitted to the Grantee's Department of Management and Budget for review as to compliance with Section 106 of the National Historic Preservation Act. These

specifications shall also be reviewed by the Grantee's Environmental Administrator to determine whether the potential for disturbing lead and other hazardous materials, such as asbestos, has been adequately taken into account. The Subgrantee agrees to adjust work specifications or activities in such manner as may be requested by the Grantee to ensure compliance with environmental requirements. The results of the historic and other environmental review activities shall be reflected in the Subgrantee's environmental checklist for the unit and/or project site(s).

- h. <u>Displacement and relocation</u> -- In accordance with 24 CFR 570.606, the Subgrantee shall take all reasonable steps to minimize displacement as a result of the activities described in section 1. Any persons displaced as a result of the activities under this Agreement shall be provided relocation assistance to the extent permitted and required under applicable regulations.
- i. Employment and contracting opportunities -- In accordance with 24 CFR 570.607, the activities under this Agreement are subject to the requirements of Executive Order 11246, as amended, and Section 3 of the Housing and Urban Development Act of 1968. The former prohibits discrimination on federally-assisted construction contracts and requires contractors to take affirmative action regarding employment actions. The latter provides that, to the greatest extent feasible and consistent with federal, state and local laws, employment and other economic opportunities arising housing rehabilitation, housing construction and public construction projects shall be given to low- and very-low-income persons. (See also Attachment B.)
- j. <u>Debarment and suspension</u> -- In accordance with 24 CFR 24, the Subgrantee shall not employ or otherwise engage any debarred, suspended, or ineligible contractors or subcontractors to conduct any activities under this Agreement. The Subgrantee will consult appropriate references, including, but not limited to, the Excluded Parties Listing Service website at http://epls.arnet.gov, to ascertain the status of any third parties prior to engaging their services. The Subgrantee will submit to the Grantee's Department of Management and Budget the names of contractors and subcontractors selected under this Agreement, including a certification by the Subgrantee that it has determined that none of these entities are presently debarred, suspended, or ineligible.
- k. <u>Uniform administrative requirements</u> -- The Subgrantee shall comply with the requirements and standards set forth in 24 CFR 570.502, and all applicable CDBG and other federal regulations pertaining to the activities performed under this Agreement.

1. Conflict of interest -- In accordance with 24 CFR 570.611, no covered individual who exercises any functions or responsibilities with respect to the program, during his tenure or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. The Subgrantee shall incorporate, or cause to be incorporated, in any contracts or subcontracts pursuant to this Agreement a provision prohibiting such interest pursuant to the purposes of this section.

14. EQUAL EMPLOYMENT OPPORTUNITY

Non-Discrimination: During the performance of this Agreement, the Subgrantee agrees as follows:

- a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.
- c. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.
- d. The Subgrantee will include the provisions of the foregoing subsections (a), (b) and (c) in every contract or purchase order of over ten thousand dollars and no cents (\$10,000.00) so that the provisions will be binding upon each contractor or vendor.

15. **DRUG-FREE WORKPLACE**

The Subgrantee will: (i) provide a drug-free workplace for the Subgrantee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or

advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.

16. FAITH-BASED ORGANIZATIONS

Pursuant to '2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

17. THIRD-PARTY CONTRACTS

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

18. **INDEMNIFICATION**

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents. volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of the Subgrantee including: (a) the Subgrantee's use of the streets or sidewalks of the Grantee or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account thereof, the Subgrantee, upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with the Subgrantee, then the Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees. agents, volunteers or representatives harmless therefrom.

19. **INDEPENDENT CONTRACTOR**

Services performed under this agreement shall be performed on an independent contractor basis and under no circumstances shall this Agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder.

20. **SUCCESSORS**

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

21. ENTIRE AGREEMENT

This Agreement, including all of its Attachments, represents the entire agreement between the parties and shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

22. **AMENDMENTS**

The Grantee may, from time to time, require changes in the obligations of the Subgrantee hereunder, or its City Council may appropriate further funds for the implementation of this HOME rehabilitation project. In such event or events, such changes which are mutually agreed upon by and between the Grantee and the Subgrantee shall be incorporated by written amendment to this Agreement.

21. **GOVERNING LAW**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

23. **AVAILABILITY OF FUNDS**

CDBG and/or HOME funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

24. ANTI-LOBBYING

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of congress in connection with the

awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

25. **INSURANCE**

- a. Requirement of insurance. The Subgrantee shall, at its sole expense, obtain and maintain during the life of this Agreement or shall ensure that such insurance is obtained and maintained in place, the insurance policies required by this section. Any required insurance policies shall be effective prior to the beginning of any work or other performance by the Subgrantee under this Agreement. The following policies and coverages are required:
 - (1) Commercial General Liability. Commercial general liability insurance shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out of the Subgrantee=s performance under this Agreement. The minimum limits of liability for this coverage shall be \$1,000,000.00 combined single limit for any one occurrence.
 - (2) Automobile <u>Liability</u>. The minimum limit of liability for automobile liability insurance shall be \$1,000,000.00 combined single limit applicable to owned or non-owned vehicles used in the performance of any work under this Agreement.
- b. <u>Umbrella Coverage</u>. The insurance coverages and amounts set forth in subsections (1) and (2) of this section may be met by an umbrella liability policy following the form of the underlying primary coverage in a minimum amount of \$1,000,000.00. Should an umbrella liability insurance coverage policy be used, such coverage shall be accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required by subsections (1) and (2), and it is further agreed that such statement shall be made a part of the certificate of insurance furnished by the Subgrantee to this City.
- c. <u>Evidence of Insurance</u>. All insurance shall meet the following requirements:

- (1) Prior to execution of this Agreement, the Subgrantee, or its designee shall furnish the City a certificate or certificates of insurance showing the type, amount, effective dates and date of expiration of the policies. Certificates of insurance shall include any insurance deductibles. Such certificates shall be attached to this Agreement at the time of execution of this Agreement and shall be furnished in a timely fashion to demonstrate continuous and uninterrupted coverage of all of the required forms of insurance for the entire term of this Agreement.
- (2) The required certificate or certificates of insurance shall include substantially the following statement: AThe insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been received by the Risk Management Officer for the City of Roanoke.@
- (3) The required certificate or certificates of insurance shall name the City of Roanoke, its officers, employees, agents, volunteers and representatives as additional insureds.
- (4) Insurance coverage shall be in a form and with an insurance company approved by the City which approval shall not be unreasonably withheld. Any insurance company providing coverage under this Agreement shall be authorized to do business in the Commonwealth of Virginia.

(This space intentionally left blank.)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:	FOR THE GRANTEE:
By Mary F. Parker, City Clerk	By Darlene L. Burcham, City Manager
ATTEST:	FOR THE SUBGRANTEE:
By Cyndi Stultz, Secretary	ByAlvin Nash, President and CEO
APPROVED AS TO CDBG ELIGIBILITY	APPROVED AS TO FORM
Dept. of Management and Budget	Assistant City Attorney
APPROVED AS TO EXECUTION	APPROPRIATION AND FUNDS FOR THIS CONTRACT CERTIFIED
Assistant City Attorney	Director of Finance
	DateAccount#
	Account

Attachments

Attachment A - Housing/Beneficiary Reporting Elements

Attachment B - Special Federal Terms and Conditions

Housing/Beneficiary Reporting Elements

On a monthly basis, the Subgrantee shall provide a narrative report to the Grantee summarizing progress on the project to-date. Accompanying the narrative, the Subgrantee shall submit data in a table or spreadsheet format that is needed in order that the Grantee may complete its required reports to HUD. Data provided by the Subgrantee shall include:

- -- Property
 - -- Address
 - -- Number of bedrooms
 - -- Status (pending, under construction, completed or sold)
- -- Homeowner
 - -- Name
 - -- Total family income (projected for 12 months following determination)
 - -- Number in family
 - -- Ethnic group
 - -- Whether family is headed by a single female
 - -- Whether head of household is disabled
- -- CDBG funds committed to property
- -- Prime Contractor (if applicable)
 - -- Name
 - -- Federal I.D. Number (or Owner Social Security Number)
 - -- Whether Minority-Owned, Women-Owned or Both
 - -- CDBG funds committed to Prime
- -- Subcontractor (if applicable; provide separate data for each subcontractor)
 - -- Name
 - -- Federal I.D. Number (or Owner Social Security Number)
 - -- Whether Minority-Owned, Women-Owned or Both
 - -- CDBG funds committed to Subcontractor

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SPECIAL TERMS AND CONDITIONS (Agreements \$10,000 or Over)

1. <u>"Section 3" Compliance -- Provision of Training, Employment and Business</u> Opportunities:

- a. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR

part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.
- 2. Equal Employment Opportunity: Contracts subject to Executive Order 11246, as amended: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

- a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
- b. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.
- c. The Subgrantee will send to each labor union or representative of

workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- d. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- e. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.
- f. n the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.
- g. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or

subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. Nondiscrimination Under Title VI of the Civil Rights Act of 1964: This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.

4. Section 504 and Americans with Disabilities Act:

The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.

- Subgrantee with Respect to Certain Third-party Relationships: The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.
- 6. <u>Interest of Certain Federal Officials</u>: No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.
- 7. Prohibition Against Payments of Bonus or Commission: The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.
- 8. "Section 109": This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.
- 9. Access to Records and Site of Employment: This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant tot he matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights At of

- 1964 (as amended) and in furtherance of the purpose of the Order and that Act.
- 10. <u>Legal Remedies for Contract Violation</u>: If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following action, as appropriate in the circumstances:
 - a. Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
 - b. Disallow all or part of the cost of the activity or action not in compliance,
 - c. Wholly or partly suspend or terminate the current Agreement, or
 - d. Take other remedies that may be legally available.

25/405

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to enter into a 2005 Community Development Block Grant (CDBG) Subgrant Agreement with the Blue Ridge Housing Development Corporation, Inc., regarding the World Changers project, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, a 2005 CDBG Subgrant Agreement with the Blue Ridge Housing Development Corporation, Inc., regarding the World Changers project, as more particularly set forth in the City Manager's letter dated February 22, 2005, to Council, such agreement to be approved as to form by the City Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKEOFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building 215 Church Avenue, S.W., Room 364 Roanoke, Virginia 24011-1591 Telephone: (540) 853-2333 Fax: (540) 853-1138 CityWeb: www.roanokegov.com

February 22, 2005

Honorable C. Nelson Harris, Mayor Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor Honorable M. Rupert Cutler, Council Member Honorable Alfred T. Dowe, Jr., Council Member Honorable Sherman P. Lea, Council Member Honorable Brenda L. McDaniel, Council Member Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Transfer of Funds For Snow Removal

Background:

Due to limited resources within our snow removal operating budget, the three (3) storms experienced earlier in the winter depleted the stockpile of salt for our snow removal operations. In an effort to remain adequately stocked and prepared for winter weather, additional salt was obtained. A budget transfer of \$130,000 is needed to cover this additional expense. Because this transfer is more than \$75,000 it requires Council action.

Recommended Action:

Transfer funding in the amount of \$130,000 from City Manger Contingency (001-300-9410-2199) to the Snow Removal Chemicals account (001-530-4140-2045) to cover the cost of additional chemicals to remain prepared for winter weather demands.

Respectfully submitted,

Darlene L. Burcham City Manager Honorable Mayor and Members of City Council February 22, 2005 Page 2

DLB/KHK/gpe

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget
Robert K. Bengtson, P.E., Director of Public Works
Kenneth H. King, P.E., Manager, Division of Transportation

CM05-00025



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to transfer funds for snow removal, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Contingency

001-300-9410-2199

(130,000)

Chemicals

001-530-4140-2045

130,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

Gloria P. Manns Alvin L. Nash Courtney A. Penn

Roanoke

City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

February 22, 2005

The Honorable C. Nelson Harris, Mayor and Members of Roanoke City Council Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on February 8, the Board respectfully requests City Council to appropriate the following funds:

- \$15,000.00 for the GED Testing Fast Track program to provide advertising and instructors to increase the participation in the GED examinations. The program is one hundred percent reimbursed by State funds.
- \$8,000.00 for the GED Expanded Testing program to provide additional instructors and supplies for GED preparation classes and for the administration of the GED examinations. The program is one hundred percent reimbursed by State funds.

The School Board thanks you for your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Kathy G. Stockburger Mrs. Doris N. Ennis Mr. Kenneth F. Mundy

Mrs. Darlene Burcham

Mr. William M. Hackworth Mr. Jesse A. Hall Mr. Paul Workman (with accounting details)



JESSE A. HALL Director of Finance email: jesse_hall@ci.roanoke.va.us

February 22, 2005

CITY OF ROANOKE DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable C. Nelson Harris, Mayor
The Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Sherman P. Lea, Council Member
The Honorable Brenda L. McDaniel, Council Member
The Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$15,000 for the GED Testing Fast Track program to provide advertising and instructors to increase the participation in the GED examinations. The program is one hundred percent reimbursed by State funds.
- \$8,000 for the GED Expanded Testing program to provide additional instructors and supplies for GED preparation classes and for the administration of the GED examinations. The program is one hundred percent reimbursed by State funds.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely.

Jesse A. Hall

Director of Finance

Jesu A. Hall

JAH:ca Attachment

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Doris N. Ennis, Acting Superintendent of City Schools
Sherman M. Stovall, Director of Management and Budget



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the GED Fast Track Program and GED Preparation Classes, amending and reordaining certain sections of the 2004-2005 School Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 School Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Compensation of Teachers	030-062-6780-6550-0121	\$ 5,574
Social Security	030-062-6780-6550-0201	426
Advertising	030-062-6780-6550-0361	9,000
Compensation of Teachers	030-062-6776-6550-0121	5,109
Social Security	030-062-6776-6550-0201	391
Educational & Recreational Supplies	030-062-6776-6550-0614	2,500
Revenues		
Fees	030-062-6780-1103	15,000
Fees	030-062-6776-1103	8,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.